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September 6, 1991

TO: Appointing Officers
Departmental Personnel Officers
Employees and Employee Organization Representatives

FROM: John J. Walsh
General Manager, Personnel

SUBJECT: I. PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

II. PROPOSED AMENDMENT TO THE CIVIL SERVICE COMMISSION RULES BY ADDING NEW RULE 35 - TEMPORARY ASSIGNMENT FOR LIMITED DUTY OF EMPLOYEE WITH WORK-RELATED DISABILITY

Attached are two proposals for amending the Civil Service Commission Rules:

I. Proposed Amendments to Civil Service Commission Rule 22 - Leaves of Absence.

These ten (10) proposals are attached and appear on pages A1 through A22 and are printed on salmon-colored paper. Changes in current Rule language are shown in UPPER CASE AND ARE UNDERLINED; deletions are indicated by [[double brackets]].

II. Proposed amendment to the Civil Service Commission Rules by adding new Rule 35 - Temporary Assignment for Limited Duty of Employee With Work-Related Disability.

This proposed addition to the Civil Service Commission Rules is attached on pages B1 through B7 and is printed on blue paper.

Requests to meet and confer by recognized employee organizations or to consult by other parties on these proposed changes must be in writing and be received by September 27, 1991 and must include the name and telephone number of a contact person. Requests are to be directed to Albert C. Walker, Assistant Secretary, Civil Service Commission, Room 153 City Hall, San Francisco, CA 94102-4693. Requests received after the deadline will not be considered.

Civil Service Commission

John J. Walsh
General Manager, Personnel

Attachments
Rule 22: pages A1 - A22
Rule 35: pages B1 - B7

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PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

Roster of Proposals

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PROPOSAL NUMBER		PAGE NUMBER
	the same appeal procedure as that used by employees who are medically rejected, i.e., the employee will be referred to a third party outside medical specialist whose medical decision is final.	
VI.	Amend Section 22.02(B)(4)(a) - Prohibition Against Employment While on Sick Leave With Pay.	A11
	This proposal would amend Rule 22 to clarify the Rule by deleting certain redundant language.	
VII.	Amend Section 22.02(B)(6)(a) - Disbursement of Sick Leave With Pay Credits.	A12-13
	This proposal would amend Rule 22 to allow use of sick leave with pay credits for those employees whose credits are calculated in hours to be used and deducted each day at the minimum rate of one hour for the first hour and in fifteen (15) minute units thereafter for the same absence instead of the current one (1) hour minimum usage rate. For members of the uniformed ranks of the Fire Department and employees of the San Francisco Unified School District the minimum deduction would be determined by rule or policy of the respective departments.	
VIII.	Amend Section 22.02(B)(9)(b)(iii) - Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credit Balance.	A14-A15
	This proposal would update the Civil Service Commission Rules to conform to current Internal Revenue Service regulations by amending Rule 22 to eliminate the ability to defer the reimbursement of the vested sick leave with pay credit balance ("sick pay payoff").	

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Roster of Proposals (cont'd.)

PROPOSAL NUMBER		PAGE NUMBER
IX.	Amend Section 22.02(C)(2) - Sick Leave Without Pay - Temporary and Provisional Employees, and Section 22.02(C)(3)(a) - Sick Leave Without Pay - Permanent Employees.	A16-A17

This proposal would amend Rule 22 to delete the frequency requirement for the periodic renewals of requests for sick leave without pay for temporary and permanent employees; and, would exempt those persons certified as catastrophically ill by the Department of Public Health from the one year restriction on sick leave without pay.

X.	Amend Section 22.02(E)(2) - Disability Leave.	A18-A21

A. Highlights:

This proposal would amend Rule 22 to make the following changes: (1) change the supplementation of Workers' Compensation payments with sick leave with pay credits to bring the salary to NET rather than GROSS salary; and by changing the language "timerolls" to "time rosters"; (2) delete all reference to supplemental disability as an account separate from sick leave with pay credits; and, (3) would allow earning of sick leave with pay credits at the regular rate rather than three times the rate following the employee's return to duty from Workers' Compensation.

B. Deletes Subsections:

Deletes subsections (E)(3); (E((5); (E)(10); and, (E)(11).

PROPOSAL NUMBER	PAGE NUMBER

Proposal X. (cont'd.)

C. Renumbers Certain Subsections:

Renumbers subsections (E)(4), (E)(6), (E)(7), (E)(8), and (E)(9) as a result of deleting (E)(3), (E)(5), (E)(10), and (E)(11).

NOTE: Additions to current Rule language are shown in UPPER CASE AND ARE UNDERLINED; deletions are indicated by [[double brackets]].

PROPOSED CHANGES TO CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

PROPOSAL I.

- Amend Section 22.01 - Leaves of Absence - General Requirements, by adding Subsection (K).

A. Proposal

This proposal would change Rule 22 by adding the definition of "domestic partner" to the Rules.

B. Proposed Language

Section 22.01 Leaves of Absence - General Requirements.

K. THE TERM DOMESTIC PARTNER AS USED ELSEWHERE IN THIS RULE SHALL BE DEFINED AS TWO ADULTS WHO HAVE CHOSEN TO SHARE ONE ANOTHER'S LIVES IN AN INTIMATE AND COMMITTED RELATIONSHIP OF MUTUAL CARING, WHO LIVE TOGETHER, AND WHO HAVE AGREED TO BE JOINTLY RESPONSIBLE FOR BASIC LIVING EXPENSES INCURRED DURING THE DOMESTIC PARTNERSHIP.

C. Discussion

This change defines domestic partner for use in the Rules by changing Rule 22 to incorporate the definition of domestic partner from the San Francisco Administrative Code.

NOTE: Additions to current Rule language are shown in UPPER CASE AND ARE UNDERLINED; deletions are indicated by [[double brackets]].

PROPOSED CHANGES TO
CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

PROPOSAL II.

- Amend Section 22.02(A)(3)(e) - Sick Leave - Illness or Medical Appointment of Child.

A. Proposal

This proposal would change Rule 22 by expanding eligibility for taking sick leave with or without pay for absence due to the care of a spouse, domestic partner or parents in addition to use of sick leave for illness or medical appointment of a child as has been permitted since 1980 .

B. Proposed Language

Section 22.02(A)(3)(e)

e. Sick Leave - FOR Illness or Medical Appointment of Child, SPOUSE, DOMESTIC PARTNER OR PARENTS.

Absence because of the illness, injury or medical or dental appointment of a biological or adoptive child, [[or]] child for whom the employee has parenting or child rearing responsibilities, SPOUSE, DOMESTIC PARTNER OR PARENTS. SUCH ILLNESS, INJURY OR MEDICAL OR DENTAL APPOINTMENT MUST REQUIRE THE ASSISTANCE OF THE EMPLOYEE.

C. Discussion

This change brings the Rules closer to conformity with recommendations of the Mayor's Family Task Force and with modern progressive personnel practices.

NOTE: Additions to current Rule language are shown in UPPER CASE AND ARE UNDERLINED ; deletions are indicated by [[double brackets]].

PROPOSED CHANGES TO
CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

PROPOSAL III.

- Amend Section 22.02(A)(3)(f) - Sick Leave - Compulsory.

A. Proposal

This proposal would change this Section of Rule 22 to comply with the Americans with Disabilities Act.

B. Proposed Language

f. Sick Leave - Compulsory

Leave imposed by an appointing officer AS PROVIDED ELSEWHERE IN THIS RULE due to an employee's medical inability or incapacity to perform WITH REASONABLE ACCOMODATION [[all]] the ESSENTIAL duties of the position [[as provided elsewhere in this rule]].

C. Discussion

This change adds language to this section of Rule 22 to comply with the Americans with Disabilities Act.

NOTE: Additions to current Rule language are shown in UPPER CASE AND ARE UNDERLINED ; deletions are indicated by [[double brackets]].

PROPOSED CHANGES TO
CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

PROPOSAL IV.

- Amend Section 22.02(B)(8)(b) - Sick Leave - Employees Injured By Battery

A. Proposal

This section would change Rule 22 by deleting all references to the term "battery" in order to conform to the exact language and terms of the Administrative Code Section 16.170 - Entitlement Defined.

B. Proposed Language

8. Employees Injured By [[Battery]] ASSAULT.

a. An employee absent because of bodily injury or illness received in the course of employment and caused by an act of criminal violence shall be entitled to sick leave with pay under the provisions of the Administrative Code.

b. Sick leave with pay under this section shall be known as "leave due to [[battery]] ASSAULT" and shall be subject to approval by the General Manager, Personnel. The General Manager, Personnel shall make such investigations as is deemed appropriate and may include medical examinations by a designated Commission physicians(s).

c. The decision of the General Manager, Personnel, is subject to RECONSIDERATION by the Commission whose decision is final.

d. Authorized sick leave under this section shall not be charged against earned sick leave with pay credits.

C. Discussion

The current Civil Service Commission Rule 22 for assault pay reflects a different terminology than the Administrative Code. Specically, battery, the term now used in CSC Rule 22, requires that an act of criminal violence, which includes intent and physical contact on the part of the perpetrator(s), must occur in order for an employee to qualify for this form of compensation. Assault does not necessarily include these requisites. The standard for a showing of battery may exclude employees who are victims of criminal violence but who are injured indirectly (e.g., a bus driver who is injured by a hurled rock or stray bullet directed at a bus window) or instances where no physical contact occurs (e.g., a bus driver who is injured as a result of armed robbery but who is not physically assaulted).

This proposed amendment removes the ambiguity and insures that the intent of the Administrative Code is directly reflected in the language and application of this rule.

NOTE: Additions to current Rule language are shown in UPPER CASE AND ARE UNDERLINED; deletions are indicated by [[double brackets]].

PROPOSED CHANGES TO
CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

PROPOSAL V.

- Amend Section 22.02(D)(4) - Compulsory Sick Leave.

A. Proposal

This proposal would change Rule 22 to clarify the appeal procedures to be used by an employee placed on compulsory sick leave. The proposal incorporates the same appeal procedure as that used by employees who are medically rejected, i.e., the employee will be referred to a third party outside medical specialist whose medical decision is final.

B. Proposed Language

D.Compulsory Sick Leave

4. [[The]] AN employee placed on sick leave under the provisions of this section may appeal [[as provided]] THIS DECISION UNDER THE SAME PROCEDURE PROVIDED FOR APPEALS OF MEDICAL REJECTION FOUND elsewhere in [[this]] THESE rules.

C. Discussion

This change clarifies the appeal procedure for employees placed on compulsory sick leave and makes such leave appealable under the same procedure as a medical rejection, i.e., to a third party medical specialist. This change clarifies the intent of the Rule and insures that medical decisions will be made by a medical authority.

NOTE: Additions to current Rule language are shown in UPPER CASE AND ARE UNDERLINED; deletions are indicated by [[double brackets]].

PROPOSED CHANGES TO
CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

PROPOSAL VI.

- Amend Section 22.02(B)(4)(a) - Prohibition Against Employment While on Sick Leave With Pay.

A. Proposal

This proposal would amend Rule 22 to clarify the Rule by deleting certain redundant language.

B. Proposed Language

Section 22.02(B)

4. Prohibition Against Employment While on Sick Leave With Pay

a. Employees are prohibited from working in any other employment while on sick leave with pay unless, after considering the medical reason for the sick leave with pay, the appointing officer with the approval of the General Manager, Personnel, grants permission for the employee to engage in a secondary employment [[subject to the provisions of these Rules governing such employment]].

C. Discussion

This change eliminates certain confusing, redundant language in this section in order to clarify the intent of the Rule.

NOTE: Additions to current Rule language are shown in UPPER CASE AND ARE UNDERLINED; deletions are indicated by [[double brackets]].

PROPOSED CHANGES TO CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

PROPOSAL VII.

- Amend Section 22.02(B)(6)(a) - Disbursement of Sick Leave with Pay Credits.

A. Proposal

This proposal would amend Rule 22 to allow use of sick leave with pay credits for those employees whose credits are calculated in hours to be used and deducted each day at the minimum rate of one hour for the first hour and in fifteen (15) minute units thereafter for the same absence instead of the current one (1) hour minimum usuage rate. For members of the uniformed ranks of the Fire Department and employees of the San Francisco Unified School District the minimum deduction will be determined by rule or policy of the respective departments.

B. Proposed Language

6. Disbursement of Sick Leave with Pay Credits.

FOR THOSE EMPLOYEES WHOSE CREDITS ARE CALCULATED IN HOURS AND, EXCEPT FOR EMPLOYEES OF THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT, [[S]]sick leave with pay credits shall be used and deducted EACH DAY at the minimum rate of one (1) hour FOR THE FIRST HOUR AND IN FIFTEEN (15) MINUTE UNITS THEREAFTER FOR THE SAME ABSENCE [[for those employees whose credits are calculated in hours]]. The minimum deduction for members of the uniformed ranks of the Fire Department AND FOR EMPLOYEES OF THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT shall be determined by RULE OR POLICY OF THE RESPECTIVE departmentS [[rule]].

C. Discussion

At the time this current Rule was adopted in 1980, the City and County payroll system was largely manual and deductions of sick leave with pay credits in fractions of hours was burdensome and troublesome. However, with the advent of a computerized payroll system, sick leave with pay credit deductions may now be made in less that whole hour increments.

NOTE: Additions to current Rule language are shown in UPPER CASE AND ARE UNDERLINED; deletions are indicated by [[double brackets]].

PROPOSED CHANGES TO CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

PROPOSAL VIII.

- Amend Section 22.02(B)(9)(b)(iii) - Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credit Balance.

A. Proposal

This proposal would amend Rule 22 by eliminating the ability to defer the reimbursement of the vested sick leave with pay credit balance ("sick pay payoff").

B. Proposed Language

Section 22.02(B)(9)

b. Reimbursement for the vested and unused accumulated sick leave with pay credit balance shall be further subject to the following:

i) The General Manager, Personnel, shall administer the provision of this section.

ii) Deduction shall be made from the unused accumulated sick leave with pay credit balance which existed on December 5, 1978, in an amount proportional to any credits used of that balance. Reimbursement shall be made only for the adjusted amount with all credits from the December 5, 1978, balance subsequently used being deducted.

iii) Reimbursement for the vested and unused accumulated sick leave with pay credit balance shall be payable at the time of retirement, separation caused by industrial accident or death [[or at a later date when so selected by the employee, but within one year of such retirement, separation or death]].

C. Discussion

This change updates Rule 22 to conform with existing Internal Revenue Service regulations and with current practice: the sick leave payoff is taxable at the time it first becomes payable.

NOTE: Additions to current Rule language are shown in UPPER CASE AND ARE UNDERLINED; deletions are indicated by [[double brackets]].

PROPOSED CHANGES TO CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

PROPOSAL IX.

- Amend Section 22.02(C)(2) - Sick Leave Without Pay - Temporary and Provisional Employees; and, Section 22.02(C)(3)(a) - Sick Leave Without Pay - Permanent Employees.

A. Proposal

This proposal would amend Rule 22 to delete the frequency requirement for periodic renewals of requests for sick leave without pay for temporary and permanent employees; and, would exempt those persons certified as catastrophically ill by the Department of Public Health from the one year restriction of sick leave without pay.

B. Proposed Language

Section 22.02(C)

2. Sick Leave Without Pay - Temporary and Provisional Employees.

Sick leave without pay may be granted to temporary or provisional employees. Such leave [[shall be renewed monthly and]] shall not be extended beyond three (3) calendar months except for sick leave - maternity.

3. Sick Leave Without Pay - Permanent Employees.

a. Sick leave without pay may be approved for permanent employees for the period of the illness [[provided that requests for prolonged leave shall be renewed every three (3) months and]] provided [[further]] that EXCEPT FOR PERSONS CERTIFIED AS CATASTROPHICALLY ILL BY THE DEPARTMENT OF PUBLIC

HEALTH such leave shall not be extended beyond a period of one (1) continuous year unless a designated Commission physician advises that there is a reasonable probability that the employee will be able to return to employment.

C. Discussion

This change would eliminate the requirement of frequent monitoring of sick leaves which create an unnecessary burden on both the employee and on the departments and would update Rule 22 to reflect the Charter amendments and the Ordinance related to catastrophically ill employees.

NOTE: Additions to current Rule language are shown in UPPER CASE AND ARE UNDERLINED; deletions are indicated by [[double brackets]].

PROPOSED CHANGES TO CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

PROPOSAL X

- Amend Section 22.02 (E)(2) - Disability Leave.

A. Proposal

A. Highlights:

This proposal would amend Rule 22 to make the following changes: (1) change the supplementation of Workers' Compensation payments with sick leave with pay credits to bring the salary to NET rather than GROSS salary; and by changing the language "timerolls" to "time rosters";(2) delete all reference to supplemental disability as an account separate from sick leave with pay credits; and, (3) would allow earning of sick leave with pay credits at the regular rate rather than three times the rate following the employee's return to duty from Workers' Compensation.

B. Deletes Subsections:

Deletes subsections (E)(3); (E((5); (E)(10); and, (E)(11).

C. Renumbers Certain Subsections:

Renumbers subsections (E)(4), (E)(6), (E)(7), (E)(8), and (E)(9) as a result of deleting (E)(3), (E)(5), (E)(10), and (E)(11)

B. Proposed Language

Section 22.02

E. Disability Leave

1. Absence due to illness or injury arising out of and in the course of employment is defined as "disability leave" and is administered under the State Workers' Compensation Laws and the Rules of the Retirement Board.

2. An employee who is absent because of disability leave and who is receiving disability indemnity payments may request, by sumbitting a signed option statment to the employee's department no later than ninety (90) days following the employee's release from disabilty leave, that the amount of disability indemnity payment be supplemented with salary to be charged against the employee's [[supplemental disability credits]] SICK LEAVE WITH PAY CREDIT BALANCE so as to equal the [[full]] NET salary the employee would have earned for the regular work schedule. The regular work schedule shall be that schedule in effect at the commencement of the disability leave. FOR THE PURPOSES OF THIS SECTION, NET SALARY SHALL BE DEFINED AS GROSS SALARY MINUS THE SUM OF ALL DEDUCTIONS; PROVIDED, HOWEVER, THAT IN NO CASE SHALL THE NET SALARY EXCEED SEVENTY PERCENT (70%) OF THE EMPLOYEE'S GROSS SALARY. GROSS SALARY SHALL BE THE EMPLOYEE'S BASE SALARY IN EFFECT AT THE COMMENCEMENT OF THE DISABILITY LEAVE.

[[3. Supplemental disability credits shall be an account separate from but equivalent to, the employee's accumulated unused sick leave with pay credits balance except that the supplemental disability credit account shall be adjusted as provided below.]]

[[4.]]3. Failure to exercise the option to supplement disability indemnity payments within ninety (90) calendar days following release from disability leave will preclude later requests.

[[5. Supplemental disability credits shall be used at the minimum rate in units of one (1) hour.]]

[[6.]]4. The employee's department shall submit separate time[[rolls]] ROSTERS to reflect this action only after the Retirement System certifies the amount of disability indemnity payment, if any, for the period.

[[7.]]5. Salary may be paid on regular time[[rolls]] ROSTERS and charged against the unused sick leave with pay credit balance during any period prior to commencement of the determination of eligibility for disability indemnity payment without requiring a signed option by the employee.

[[8.]]6. When an employee has used sick leave with pay credits and the Retirement System subsequently determines that the employee was entitled to disability indemnity payment for the period of absence, provision shall be made for adjusting the employee's sick leave with pay credit balance and for reimbursing the appropriate City fund for the amount of sick leave with pay credits charged and paid.

[[9.]]7. An employee who uses [[supplemental disability]] SICK LEAVE WITH PAY credits to supplement disability indemnity payments shall, while on disability leave, earn [[supplemental disability]] SICK LEAVE WITH PAY credits at the REGULAR [[same]] rate [[as sick leave with pay credits]].

[[10. Upon return to duty, an employee who has used supplemental disability credits shall earn sick leave with pay credits at the normal rate and shall earn supplemental disability credits at twice the rate that sick leave with pay credits are earned until such time as the total hours of supplemental disability credits used are regained.]]

[[11. Should an employee suffer a recurrence or a new injury before all supplemental disability credits are regained, the supplemental disability credit balance shall be that balance

existing at the beginning of the pay period in which the recurrence or new injury occurs and shall be adjusted for the amount of supplemental disability credits subsequently earned and sick leave with pay credits subsequently used.]]

C. Discussion

This change is based on several recommendations recently received by the CSC to eliminate perceived "incentives" for staying on Workers' Compensation (WC). While it was not intended, the current Rule results in an employe receiving more compensation by staying on WC as WC payments are is not taxable.

This change also eliminates what has been perceived to be incentives to remain on WC: (1) sick pay credits used to supplement WC benefits will be deducted from the employee's sick leave with pay balance pay and not from a "supplemental disability account"; and, (2) an employee who used sick pay credits to supplement WC will earn sick pay at the regular rate when the employee returns from disability leave and will not earn sick pay at three times the regular rate.

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PROPOSED NEW RULE

RULE 35

TEMPORARY ASSIGNMENT FOR LIMITED DUTY OF EMPLOYEE WITH WORK-RELATED DISABILITY

Section 35.01 RULE PRESCRIBED - AUTHORITY

Under the authority of Section 3.661 of the Charter of the City and County of San Francisco, the Civil Service Commission does prescribe and adopt the following Rule which shall have the force and effect of law.

Section 35.02 PURPOSE OF RULE

In adopting and promulgating this Rule it is the intent of the Civil Service Commission to provide a structure to allow employees who have been injured on the job, but who are able to provide limited services, to work within their capabilities as an alternative to being on disability leave.

Section 35.03 ADMINISTRATION OF RULE

The General Manager, Personnel shall be responsible for administering and making effective the provisions of this Rule and for establishing such administrative controls as may be necessary.

Section 35.04 DEFINITIONS

A. Limited Duty Position: a position in an employee's regular class either in the current or in another department, or in one of the School Districts, that has been restructured or redefined by the department to accommodate the employee's work-related disability, but the duties of such position are largely consistent with the regular duties of the class.

B. Limited Duty Project: a temporary assignment of an employee with a work-related disability by an appointing officer made in accordance with Charter provisions and this Rule to a special project to perform any of the functions of any agency of the City and County of San Francisco or of the School Districts.

C. Temporary Assignment for Limited Duty: an assignment by an appointing officer of an employee with a work-related disability to a limited duty position or to a limited duty project for temporary periods of time made in accordance with Charter provisions and this Rule to perform duties within the physical and other capabilities of the employee to perform.

Section 35.05 TEMPORARY ASSIGNMENT FOR LIMITED DUTY - POLICY

A. In accordance with this Rule, upon recommendation and request of the Employees' Retirement System, and with the concurrence of the General Manager, Personnel, an appointing officer may temporarily assign for limited duty an employee with a work-related disability to a limited duty position or to a limited duty project.

B. As required, an appointing officer may revoke, or disapprove a request for, disability leave and direct an employee to report for temporary assignment for limited duty as provided in this Rule.

Section 35.06 DURATION AND EXTENSION OF TEMPORARY ASSIGNMENT

A. An appointing officer may temporarily assign an employee with a work-related disability for limited duty for temporary periods of time up to six (6) continuous months.

B. Temporary assignments for limited duty made under this Rule may be extended beyond six (6) continuous months for additional temporary periods of time up to six (6) months upon the request of the Employees' Retirement System and with the approval of the General Manager, Personnel.

Section 35.07 DESIGNATION OF LIMITED DUTY POSITION AND LIMITED DUTY PROJECT

A. It shall be the duty of each appointing officer of each City and County department and of the School Districts to designate appropriate limited duty positions or limited duty projects in each department to be used for the temporary assignment of employees for limited duty.

B. Appointing officers shall notify the Civil Service Commission of designated limited duty positions or limited duty projects on the form prescribed by the General Manager, Personnel. This form shall transmit all necessary details about the limited duty position or limited duty project including but not limited to such information as work location; work hours; designation of duties and responsibilities; necessary skills, knowledges, or abilities; beginning and ending dates; physical requirements.

C. Upon review and approval, the General Manager, Personnel shall forward the designation form to the Employees' Retirement System.

Section 35.08 IDENTIFICATION AND SELECTION OF EMPLOYEE WITH WORK-RELATED DISABILITY FOR TEMPORARY ASSIGNMENT FOR LIMITED DUTY

A. It shall be the duty of the Employees' Retirement System to identify employees with work-related disabilities who may be considered for temporary assignment for limited duty.

B. The Employees' Retirement System shall select employees with work-related disabilities who have been identified for temporary assignments for limited duty by matching an appropriate employee to a designated limited duty position or to a designated limited duty project. In selecting such persons, the Employees' Retirement System shall consult with the departments involved, and may consult with the General Manager, Personnel, medical personnel, and/or other relevant parties to insure that the employee possesses the knowledge, skills, abilities, and other factors necessary to perform the requisite functions and that the assigned duties are within the physical capabilities of the employee to perform.

C. Before recommending an employee for temporary assignment for limited duty to a department other than the employee's current department, the Employees' Retirement System shall notify the employee's current department and offer that department the option of immediately identifying a limited duty assignment for the employee.

D. If a limited duty assignment in the employee's current department cannot be identified, the Employees' Retirement System shall notify the appointing officer of the employee's current department of the selection of the employee for a proposed limited duty assignment in another department.

E. The appointing officer may immediately assign the employee to the designated limited duty position or designated limited duty project by notifying the employee in writing on the form prescribed by the General Manager, Personnel. The form shall be sent to the employee by certified and by regular mail, and/or may be personally delivered. The appointing officer or designee may, in addition, notify the employee by telephone.

F. A copy of the temporary assignment form shall be immediately filed with the Civil Service Commission, the Employees' Retirement System, such other agencies or offices required by the General Manager, Personnel, or by the Employees' Retirement System, and, if applicable, with the department to which the employee will be temporarily assigned for limited duty.

G. The temporary assignment form shall contain all necessary information so that the employee with a work-related disability will be instructed as to the time, date, location and the manner of reporting for the temporary assignment for limited duty. The appointing officer shall allow sufficient time for the employee to report which shall be at least three (3) days from the date of mailing or delivery of the notice of temporary assignment.

Section 35.09 COMPENSATION OF AN EMPLOYEE ON TEMPORARY ASSIGNMENT FOR LIMITED DUTY

A. An employee on temporary assignment for limited duty shall remain on the payroll of the department from which assigned and shall be compensated at the same rate of pay as the class from which appointed to the temporary assignment.

B. It shall be the duty of the appointing officer of the department to which an employee is temporarily assigned for limited duty to establish procedures and such administrative controls as may be required to regulate and monitor the attendance and performance of employees on temporary assignment for limited duty and to report any exceptions to the employee and to the employee's appointing officer.

Section 35.10 REASSIGNMENT OR REMOVAL FROM TEMPORARY ASSIGNMENT FOR LIMITED DUTY

With the concurrence of the Employees' Retirement System and in consultation with the General Manager, Personnel, or designee, an employee on temporary assignment for limited duty may as directed by the employee's appointing officer be reassigned from the temporary assignment and placed on disability leave or be directed to report to the employee's regular position or to report for duty in another limited duty position or limited duty project.

Section 35.11 REFERRAL OF EMPLOYEE FOR DISABILITY TRANSFER

If the employee is eligible, the Employees' Retirement System in accordance with Charter provision may refer an employee with a work-related disability to the Civil Service Commission for consideration for disability transfer.

Section 35.12 DISCIPLINE AND DISCHARGE OF EMPLOYEE TEMPORARILY ASSIGNED FOR LIMITED DUTY

A. An employee on temporary assignment for limited duty to a different department shall remain an appointee of the original department and shall be subject for disciplinary purposes to the jurisdiction of the appointing officer of the originating department.

B. Refusal of, or failure to report, to a temporary assignment for limited duty by an employee shall be deemed insubordination, or absence without official authorization, and shall be good cause for the preferral of charges for the dismissal of permanent employees, or for the

filing of abandonment proceedings and submission of an automatic resignation, or shall serve as sufficient reason for the termination of employees who are in another employment status.

Section 35.13 RESOLUTION OF DISPUTES

Any dispute over any matter related to the administration and implementation of this Rule shall be resolved by the General Manager, Personnel who may consult with the employee, the departments involved, the Employees' Retirement System, medical personnel, and with such other agencies or persons as the General Manager, Personnel shall require. The decision of the General Manager, Personnel shall be final.

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DATE: December 20, 1991

TO: Appointing Officers
Departmental Personnel Officers
Employees and Employee Organization Representatives

FROM: John J. Walsh
General Manager, Personnel

SUBJECT: PROPOSED AMENDMENT TO CIVIL SERVICE COMMISSION RULE 32 - LAYOFF AND INVOLUNTARY LEAVE, SECTION 32.02 -- SENIORITY - DEFINED, SUBSECTION (E) RELATING TO THE BREAKING OF TIES IN SENIORITY FOR LAYOFF PURPOSES

Attached is a copy of a proposed amendment to Civil Service Commission Rule 32 relating to layoff and involuntary leave. This proposed amendment to the definition of seniority is required in the event of a tie in the rank of eligibles on civil service lists, due to the change in the certification rule as a result of the passage of Proposition D in the November 5, 1991 election.

Proposition D changed the basic certification principle from the "Rule of Three Names" to the "Rule of Three Scores," under which all individuals with the same score will have an identical rank on an eligible list.

Requests to meet and confer by recognized employee organizations, and requests to consult by other parties, on this proposed change must be in writing, received by January 10, 1992 and must include the name and telephone number of a contact person. Meetings will be scheduled at mutually convenient times.

Address all requests to: Albert C. Walker, Assistant Secretary, Civil Service Commission, Room 153 City Hall, San Francisco, CA 94102-4693.

Any requests received after the deadline will not be considered.

CIVIL SERVICE COMMISSION

John J. Walsh
General Manager, Personnel

Attachment

0130B

NOTE: ADDITIONS ARE UNDERLINED AND IN CAPITAL LETTERS; DELETIONS ARE IN ((DOUBLE PARENTHESES))

RULE 32

LAYOFF AND INVOLUNTARY LEAVE

Section 32.02 SENIORITY - DEFINED

E. TIE SCORES

1. In the event of ties, seniority of civil service appointees ((will) SHALL be determined by rank on the eligible list. In determining rank, earlier eligible lists have priority over later eligible lists and promotive lists have absolute priority over entrance lists.

2. IN THE EVENT OF A TIE IN RANK AMONG APPOINTEES, THE METHODS LISTED BELOW SHALL BE USED TO DETERMINE SENIORITY IN THE FOLLOWING ORDER OF PRIORITY UNTIL THE TIE IS BROKEN:

A. FIRST, A PROMOTIVE APPOINTEE SHALL BE RANKED ABOVE AN ENTRANCE APPOINTEE;

B. THEN, THE APPOINTEE WITH THE LONGEST PERMANENT CONTINUOUS SERVICE IN THE CLASS REGARDLESS OF DEPARTMENT SHALL BE RANKED ABOVE APPOINTEES WITH LESSER SERVICE IN THE CLASS;

C. THEN, THE APPOINTEE WITH THE LONGEST PERMANENT CONTINUOUS CITYWIDE SERVICE REGARDLESS OF CLASS SHALL BE RANKED ABOVE APPOINTEES WITH LESSER CITYWIDE SERVICE;

D. FINALLY, IF THE TIE HAS NOT BEEN BROKEN BY THE PRECEDING METHODS, IT SHALL BE BROKEN BY LOT IN THE MANNER PRESCRIBED BY THE GENERAL MANAGER, PERSONNEL AND CONDUCTED UNDER THE SUPERVISION OF THE GENERAL MANAGER, PERSONNEL OR A DESIGNEE. THE DECISION OF THE GENERAL MANAGER, PERSONNEL SHALL BE FINAL AND SHALL NOT BE RECONSIDERED BY THE COMMISSION.

3. IN NO CASE SHALL SERVICE BEFORE RESIGNATION AND REAPPOINTMENT OR DISCHARGE AND REEMPLOYMENT BE INCLUDED IN DETERMINING LENGTH OF SERVICE FOR THE PURPOSES OF THIS SECTION.

MEMORANDUM

DOCUMENTS DEPT.
FEB 3 - 1992
SAN FRANCISCO
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DATE: January 31, 1992

TO: Appointing Officers
Departmental Personnel Officers
Employees and Employee Organization Representatives

FROM: John J. Walsh
General Manager, Personnel

SUBJECT PROPOSED AMENDMENT TO CIVIL SERVICE COMMISSION RULE 16 - PROBATIONARY PERIOD, TO INCREASE THE PROBATIONARY PERIOD OF CERTAIN CLASSES FROM SIX (6) MONTHS TO ONE (1) YEAR.

It is proposed that Civil Service Commission Rule 16 - Probationary Period, be amended to increase the probationary periods of the following classes from six (6) months to one (1) year:

1340 Assistant to General Manager, Public Utilities Commission, Public Relations
1665 Director of Patient Accounts
1671 Financial Systems Operations Supervisor
1673 Accounting Operations Manager
1683 Budget and Fiscal Operations Manager
1684 Associate Auditor
1674 Director of Accounting and Systems
1686 Supervising Auditor
1688 Chief Auditor
1690 Internal Audit Director
1776 Assistant Reproduction Services Manager
1801 Supervising Performance Auditor
1805 Associate Performance Auditor
1837 Legislative Policy Analyst
1841 Rate Administrator
1850 Senior EDP Auditor
1852 Capital Program Manager
1878 Information System Audit Manager
2235 Medical Director, Department of Health
2459 Forensic Laboratory Manager
2553 Director of Volunteer Services
2559 Director of Activity Therapy

2560 Rehabilitation Coordinator
2810 Principal Disease Control Investigator
2850 Director, Women, Infant and Child's Programs, Department of Public Health
2880 Director of Business and Operations, Mental Health Program
2891 Deputy Director for Business and Operations, Department of Public Health
2947 Hospital Eligibility Manager, Department of Social Services
2953 Deputy General Manager, Department of Social Services
2965 Social Services Resource Manager
2984 Deputy Director, Human Rights Commission
3135 Director of Neighborhood Services, Recreation and Park Department
3137 Assistant General Manager for Finance and Property, Recreation and Park Department
3233 Marina Associate Manager
3338 Assistant Zoo Director, Operations and Maintenance
3339 Assistant Zoo Director, Animal Management
3470 Director of Marketing and Operations, Candlestick Park
3518 Associate Museum Conservator, Asian Art Museum
3563 Director, Neighborhood Arts Project, Art Commission
5109 Deputy Zoning Administrator
5164 Water Resources and Planning Manager
5296 Planner IV, Urban Systems Analyst
6141 Manager, Office of Health and Safety
6144 Director of Toxics and Safety Services
6335 Disability Access Coordinator
7140 Director, Parking and Traffic Operations
8127 Chief Investigator, OCC
8167 Workers Compensation Division Manager
8171 Law Office Manager
9146 Manager, Elderly and Handicapped, MUNI
9148 Director of Community Affairs, MUNI
9161 General Claims Agent
9193 Deputy General Manager, Administration, MUNI
9202 Airport Communications Dispatcher
9203 Senior Airport Communications Dispatcher
9208 Director, Airport Property Management
9247 Airport Emergency Planning Coordinator
9254 Assistant to the Director, Bureau of Community Affairs
9374 Manager, Port Planning and Development
9381 Director, Internal Services
9386 Senior Property Manager, Port

The change would amend Civil Service Commission Rule 16 - Probationary Period, by adding the classes listed to the Rule 16 Appendix.

Requests to meet and confer by recognized employee organizations, and requests to consult by other parties, on this proposed change must be in writing, received by 5 p.m., Friday, February 14, 1992 and must include the name and telephone number of a contact person. Meetings will be scheduled at mutually convenient times.

Address all requests to: Albert C. Walker, Assistant Secretary, Civil Service Commission, Room 153 City Hall, San Francisco, CA 94102-4693.

Any requests received after the deadline will not be considered.

CIVIL SERVICE COMMISSION

John J. Walsh
General Manager, Personnel

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MEMORANDUM

DOCUMENTS DEPT.
FEB 26 1992
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DATE: February 21, 1992

TO: Appointing Officers
Departmental Personnel Officers
Employees and Employee Organization Representatives

FROM: John J. Walsh
General Manager, Personnel

SUBJECT: PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

Attached are copies of proposed amendments to Civil Service Commission Rule 22 - Leaves of Absence. These twelve proposals are summarized on pages 1 through 4, and the proposals appear on pages 5 through 26.

Requests to meet and confer by recognized employee organizations or requests to consult by other parties on these proposed changes must be in writing and be received by Friday, March 6, 1992 and must include the name and telephone number of a contact person. Requests are to be directed to Albert C. Walker, Assistant Secretary, Civil Service Commission, Room 153 City Hall, San Francisco, CA 94102-4693. Requests received after the deadline will not be considered.

CIVIL SERVICE COMMISSION

John J. Walsh
General Manager, Personnel

Enclosures

9628B

c: Carl Bunch, Director of Employee Relations

PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

Roster of Proposals

NOTE: Additions to current Rule language are shown in UPPER CASE AND ARE UNDERLINED; deletions are indicated by [[double brackets]].

PROPOSED CHANGES TO CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

PROPOSAL I.

- Amend Section 22.01 - Leaves of Absence - General Requirements, by adding Subsection (K).

A. Proposal

This proposal would change Rule 22 by adding the definition of "domestic partner" to the Rules.

B. Proposed Language

Section 22.01 Leaves of Absence - General Requirements.

K. THE TERM DOMESTIC PARTNER AS USED ELSEWHERE IN THIS RULE SHALL BE DEFINED AS TWO ADULTS WHO HAVE CHOSEN TO SHARE ONE ANOTHER'S LIVES IN AN INTIMATE AND COMMITTED RELATIONSHIP OF MUTUAL CARING, WHO LIVE TOGETHER, AND WHO HAVE AGREED TO BE JOINTLY RESPONSIBLE FOR BASIC LIVING EXPENSES INCURRED DURING THE DOMESTIC PARTNERSHIP.

C. Discussion

This change defines domestic partner for use in the Rules by changing Rule 22 to incorporate the definition of domestic partner from the San Francisco Administrative Code.

NOTE: Additions to current Rule language are shown in UPPER CASE AND ARE UNDERLINED ; deletions are indicated by [[double brackets]].

PROPOSED CHANGES TO CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

PROPOSAL II.

- Amend Section 22.01 Leaves of Absence - General Requirements, subsection (I).

A. Proposal

This proposal would change this Section of Rule 22 by replacing the word "timeroll" to "time roster."

B. Proposed Language

Section 22.01 Leaves of Absence - General Requirements.

I. Leaves granted under this rule shall be indicated on TIME ROSTERS [[timerolls]] by symbols designated by the Controller.

C. Discussion

The word "time roster" is more reflective of current usage than "timeroll."

NOTE: Additions to current Rule language are shown in UPPER CASE AND ARE UNDERLINED ; deletions are indicated by [[double brackets]].

PROPOSED CHANGES TO CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

PROPOSAL III.

- Amend Section 22.01 Leaves of Absence - General Requirements, subsection (B).

A. Proposal

This proposal would change this section by replacing the concept of working days with a period of calendar days.

B. Proposed Language

Section 22.01 Leaves of Absence - General Requirements.

B. Except for vacation leave, witness/jury duty leave, compulsory sick leave or disability leave, an employee requesting a leave for more than SEVEN (7) CALENDAR [[five (5) working]] days shall submit such request to the appointing officer or designee on the form prescribed by the General Manager, Personnel. Requests for sick leave in excess of SEVEN (7) CALENDAR [[five (5) continuous working]] days shall be certified by a licensed medical doctor, doctor of dental surgery, doctor of podiatric medicine, licensed clinical psychologist, Christian Science Practitioner or licensed doctor of chiropractic. Verification of sick leave with pay for less than [[five (5) working

days]] seven (7) calendar days [[in the case of part time employees]] as provided elsewhere in this rule shall be required on an individual basis only and shall be based upon an evaluation of the individual attendance record of an employee.

C. Discussion

This change of concept from working days to calendar days creates one general principle of continuous absence (i.e., seven [7] calendar days) is applicable to full-time employees with various work schedules and to part-time employees.

NOTE: Additions to current Rule language are shown in UPPER CASE AND ARE UNDERLINED ; deletions are indicated by [[double brackets]].

PROPOSED CHANGES TO CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

PROPOSAL IV.

- Amend Section 22.02(A)(3)(f) - Sick Leave - Compulsory.

A. Proposal

This proposal would change this Section of Rule 22 to comply with the Americans with Disabilities Act (ADA).

B. Proposed Language

f. Sick Leave - Compulsory

Leave imposed by an appointing officer AS PROVIDED ELSEWHERE IN THIS RULE due to an employee's medical inability or incapacity to perform WITH REASONABLE ACCOMMODATION [[all]] the ESSENTIAL duties of the position [[as provided elsewhere in this rule]].

C. Discussion

This change adds language to this section of Rule 22 to comply with the ADA.

NOTE: Additions to current Rule language are shown in UPPER CASE AND ARE UNDERLINED; deletions are indicated by [[double brackets]].

PROPOSED CHANGES TO CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

PROPOSAL V.

- Amend Section 22.02(D)(4) - Compulsory Sick Leave.

A. Proposal

This proposal would change Rule 22 to clarify the appeal procedures to be used by an employee placed on compulsory sick leave.

B. Proposed Language

D. Compulsory Sick Leave

4. [[The]] AN employee placed on sick leave under the provisions of this section may appeal [[as provided]] THIS DECISION UNDER THE SAME PROCEDURE PROVIDED FOR APPEALS OF MEDICAL REJECTION FOUND elsewhere in [[this]] THESE rules.

C. Discussion

This change clarifies the appeal procedure for employees placed on compulsory sick leave and makes such leave appealable under the same procedure as a medical rejection, i.e., to a third party medical specialist. This change clarifies the intent of the Rule and ensures that a medical decision will be made by a medical authority.

NOTE: Additions to current Rule language are shown in UPPER CASE AND ARE UNDERLINED; deletions are indicated by [[double brackets]].

PROPOSED CHANGES TO CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

PROPOSAL VI.

- Amend Section 22.02(B)(4)(a) - Prohibition Against Employment While on Sick Leave With Pay.

A. Proposal

This proposal would amend Rule 22 to clarify the Rule by deleting reference to Civil Service Commission Rule 29 - Part-Time Employment or Activity in Addition to Full-Time Civil Service Employment.

B. Proposed Language

Section 22.02(B)

4. Prohibition Against Employment While on Sick Leave With Pay

a. Employees are prohibited from working in any other employment while on sick leave with pay unless, after considering the medical reason for the sick leave with pay, the appointing officer with the approval of the General Manager, Personnel, grants permission for the employee to engage in a secondary employment [[subject to the provisions of these Rules governing such employment]].

C. Discussion

This change deletes reference to the secondary employment rule (Rule 29) because employees on leave are not covered, technically, by Rule 29 as they are not working full-time for the City and County. In the event of denial, the decision is appealable to the Civil Service Commission.

NOTE: Additions to current Rule language are shown in UPPER CASE AND ARE UNDERLINED; deletions are indicated by [[double brackets]].

PROPOSED CHANGES TO CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

PROPOSAL VII.

- Amend Section 22.02(B)(6)(a) - Disbursement of Sick Leave with Pay Credits.

A. Proposal

This proposal would amend Rule 22 to allow use of sick leave with pay credits for those employees whose credits are calculated in hours to be used and deducted each day at the minimum rate of one hour for the first hour and in fifteen (15) minute units thereafter for the same absence instead of the current one (1) hour minimum usuage rate. For members of the uniformed ranks of the Fire Department and employees of the San Francisco Unified School District the minimum deduction will be determined by rule or policy of the respective departments.

B. Proposed Language

6. Disbursement of Sick Leave with Pay Credits.

FOR THOSE EMPLOYEES WHOSE CREDITS ARE CALCULATED IN HOURS AND, EXCEPT FOR MEMBERS OF THE UNIFORMED RANKS OF THE SAN FRANCISCO FIRE DEPARTMENT, AND EXCEPT FOR CLASSIFIED EMPLOYEES OF THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT, [[S]]sick leave with pay credits shall be used and deducted EACH DAY at the minimum rate of one (1) hour FOR THE FIRST HOUR AND IN FIFTEEN (15) MINUTE UNITS THEREAFTER FOR THE SAME ABSENCE [[for those employees whose credits are calculated in hours]]. The minimum deduction for members of the uniformed ranks of the Fire Department

AND FOR EMPLOYEES OF THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT, shall be determined by A RULE OR POLICY ADOPTED BY THE FIRE COMMISSION AND THE BOARD OF EDUCATION, RESPECTIVELY, [[department rule]] AND APPROVED BY THE CIVIL SERVICE COMMISSION. WHEN SUCH RULE OR ANY AMENDMENT THERETO IS SO APPROVED BY THE CIVIL SERVICE COMMISSION, IT SHALL BE DEEMED AS INCLUDED IN THIS SUBSECTION.

C. Discussion

At the time this current Rule was adopted in 1980, the City and County payroll system was largely manual and deductions of sick leave with pay credits in fractions of hours was burdensome and troublesome. However, with the advent of a computerized payroll system, sick leave with pay credit deductions may now be made in less than whole hour increments.

NOTE: Additions to current Rule language are shown in UPPER CASE AND ARE UNDERLINED; deletions are indicated by [[double brackets]].

PROPOSED CHANGES TO CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

PROPOSAL VIII.

- Amend Section 22.02(B)(9)(a) - Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credit Balance.

A. Proposal

This proposal would clarify "service requirement" for the purposes of an employee who is eligible for a sick pay payoff. This proposal would also indicate that the schedule of service requirements pertains to time of retirement.

B. Proposed Language

Section 22.02(B)(9)(a)

a. An employee who had accumulated unused sick leave with pay credits and who had completed SIX (6) CONTINUOUS MONTHS OF SERVICE [[the service requirement]] on or before December 5, 1978, shall upon the effective date of retirement for service or disability, or upon the date of death, or upon the date of separation caused by industrial accident, be reimbursed for the accumulated unused sick leave with pay credit balance which had been earned on or before December 5, 1978, and not subsequently used ("vested and unused accumulated sick leave with pay credits") in accordance with the following schedule of service requirements and allowances.

SCHEDULE OF SERVICE REQUIREMENTS AT THE TIME OF RETIREMENT AND ALLOWANCES FOR REIMBURSEMENT OF VESTED AND UNUSED ACCUMULATED SICK LEAVE WITH PAY CREDIT BALANCE AT THE TIME OF RETIREMENT, SEPARATION BECAUSE OF INDUSTRIAL ACCIDENT OR DEATH:

SERVICE REQUIREMENT	AMOUNT OF CASH REIMBURSEMENT
1) 15 or more years of continuous service	100%
2) More than 5 continuous years but less than 15 continuous years of service	50%
3) Up to and including 5 continuous years of service	33 1/3%

C. Discussion

This proposal would clarify this subsection by eliminating or clarifying the term "service requirement." The use of this term in Rule 22 in two different senses has created some confusion.

NOTE: Additions to current Rule language are shown in UPPER CASE AND ARE UNDERLINED; deletions are indicated by [[double brackets]].

PROPOSED CHANGES TO CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

PROPOSAL IX.

- Amend Section 22.02(B)(9)(b)(iii) - Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credit Balance.

A. Proposal

This proposal would amend Rule 22 by eliminating the ability to defer the reimbursement of the vested sick leave with pay credit balance ("sick pay payoff").

B. Proposed Language

Section 22.02(B)(9)

b. Reimbursement for the vested and unused accumulated sick leave with pay credit balance shall be further subject to the following:

i) The General Manager, Personnel, shall administer the provision of this section.

ii) Deduction shall be made from the unused accumulated sick leave with pay credit balance which existed on December 5, 1978, in an amount proportional to any credits used of that balance. Reimbursement shall be made only for the adjusted amount with all credits from the December 5, 1978, balance subsequently used being deducted.

iii) Reimbursement for the vested and unused accumulated sick leave with pay credit balance shall be payable at the time of retirement, separation caused by industrial accident or death [[or at a later date when so selected by the employee, but within one year of such retirement, separation or death]].

C. Discussion

This change updates Rule 22 to conform with existing Internal Revenue Service regulations and with current practice: the sick leave payoff is taxable at the time it first becomes payable.

NOTE: Additions to current Rule language are shown in UPPER CASE AND ARE UNDERLINED; deletions are indicated by [[double brackets]].

PROPOSED CHANGES TO CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

PROPOSAL X.

- Amend Section 22.02(C)(2) - Sick Leave Without Pay - Temporary and Provisional Employees; and, Section 22.02(C)(3)(a) - Sick Leave Without Pay - Permanent Employees.

A. Proposal

This proposal would amend Rule 22 to delete the frequency requirement for periodic renewals of requests for sick leave without pay for temporary and permanent employees; and, would exempt those persons certified as catastrophically ill by the Department of Public Health from the one year restriction on sick leave without pay.

B. Proposed Language

Section 22.02(C)

2. Sick Leave Without Pay - Temporary and Provisional Employees.

Sick leave without pay may be granted to temporary or provisional employees. Such leave [[shall be renewed monthly and]] shall not be extended beyond three (3) calendar months except for sick leave - maternity.

3. Sick Leave Without Pay - Permanent Employees.

a. Sick leave without pay may be approved for permanent employees for the period of the illness [[provided that requests for prolonged leave shall be renewed every three (3) months and]] provided [[further]] that EXCEPT FOR PERSONS CERTIFIED AS CATASTROPHICALLY ILL BY THE DEPARTMENT OF PUBLIC

HEALTH such leave shall not be extended beyond a period of one (1) continuous year unless a designated Commission physician advises that there is a reasonable probability that the employee will be able to return to employment.

C. Discussion

This change would eliminate the requirement of frequent monitoring of sick leaves which create an unnecessary burden on both the employee and on the departments and would update Rule 22 to reflect the Charter amendments and the Ordinance related to catastrophically ill employees.

NOTE: Additions to current Rule language are shown in UPPER CASE AND ARE UNDERLINED; deletions are indicated by [[double brackets]].

PROPOSED CHANGES TO CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

PROPOSAL XI

- Amend Section 22.02 (E)(2) - Disability Leave.

A. Proposal

A. Highlights:

This proposal would amend Rule 22 to make the following changes:

(1) change the supplementation of Workers' Compensation payments with sick leave with pay credits to bring the salary to NET rather than GROSS salary; and by changing the language "timerolls" to "time rosters";

(2) delete all reference to supplemental disability as an account separate from sick leave with pay credits; and,

(3) would allow earning of sick leave with pay credits at the regular rate rather than three times the rate following the employee's return to duty from Workers' Compensation.

B. Deletes Subsections:

Deletes subsections (E)(3); (E)(5); (E)(10); and, (E)(11).

C. Renumbers Certain Subsections:

Renumbers subsections (E)(4), (E)(6), (E)(7), (E)(8), and (E)(9) as a result of deleting (E)(3), (E)(5), (E)(10), and (E)(11)

B. Proposed Language

Section 22.02

E. Disability Leave

1. DISABILITY LEAVE - DEFINITION

Absence due to illness or injury arising out of and in the course of employment is defined as "disability leave" and is administered under the State Workers' Compensation Laws and the Rules of the Retirement Board.

2. DISABILITY LEAVE - SUPPLEMENTAL PAYMENTS

An employee who is absent because of disability leave and who is receiving disability indemnity payments may request that the amount of disability indemnity payment be supplemented with salary to be charged against the employee's [[supplemental disability credits]] SICK LEAVE WITH PAY CREDIT BALANCE IN ORDER [[so as]] to equal the [[full]] NET salary the employee would have earned for the regular work schedule. [[The regular work schedule shall be that schedule in effect at the commencement of the disability leave.]] THE EMPLOYEE MUST SUBMIT A SIGNED OPTION STATEMENT TO THE EMPLOYEE'S DEPARTMENT NO LATER THAN NINETY (90) DAYS FOLLOWING THE EMPLOYEE'S RELEASE FROM DISABILITY LEAVE.

[[3. Supplemental disability credits shall be an account separate from but equivalent to, the employee's accumulated unused sick leave with pay credits balance except that the supplemental disability credit account shall be adjusted as provided below.]]

[[4.]] Failure to exercise the option to supplement disability indemnity payments within ninety (90) calendar days following release from disability leave will nullify later requests.

A. FOR THE PURPOSES OF THIS SECTION, THE REGULAR WORK SCHEDULE SHALL BE DEFINED AS THAT SCHEDULE IN EFFECT AT THE COMMENCEMENT OF THE DISABILITY LEAVE.

B. FOR THE PURPOSES OF THIS SECTION, NET SALARY SHALL BE DEFINED AS GROSS SALARY MINUS THE SUM OF ALL DEDUCTIONS; PROVIDED, HOWEVER, THAT IN NO CASE SHALL THE NET SALARY EXCEED SEVENTY PERCENT (70%) OF THE EMPLOYEE'S GROSS SALARY. GROSS SALARY SHALL BE THE EMPLOYEE'S BASE SALARY IN EFFECT AT THE COMMENCEMENT OF THE DISABILITY LEAVE.

[[5. Supplemental disability credits shall be used at the minimum rate in units of one (1) hour.]]

[[6.]]3. DISABILITY LEAVE - DEPARTMENTAL TRACKING

The employee's department shall submit separate time[[rolls]] ROSTERS to reflect [[this action only]] A SUPPLEMENT TO DISABILITY INDEMNITY PAYMENT after the Retirement System certifies the amount of disability indemnity payment, if any, for the period.

[[7.]] Salary may be paid on regular time[[rolls]] ROSTERS and charged against the unused sick leave with pay credit balance during any period prior to commencement of the determination of eligibility for disability indemnity payment without requiring a signed option by the employee.

[[8.]]4. DISABILITY LEAVE - PAY ADJUSTMENTS

A. When an employee has used sick leave with pay credits and the Retirement System subsequently determines that the employee was entitled to disability indemnity payment for the period of absence, provision shall be made for adjusting the employee's sick leave with pay credit balance and for reimbursing the appropriate City fund for the amount of sick leave with pay credits charged and paid.

[[9.]] B. An employee who uses [[supplemental disability]] SICK LEAVE WITH PAY credits to supplement disability indemnity payments shall, while on disability leave, earn [[supplemental disability]] SICK LEAVE WITH PAY credits at the REGULAR [[same]] rate [[as sick leave with pay credits]].

[[10. Upon return to duty, an employee who has used supplemental disability credits shall earn sick leave with pay credits at the normal rate and shall earn supplemental disability credits at twice the rate that sick leave with pay credits are earned until such time as the total hours of supplemental disability credits used are regained.]]

[[11. Should an employee suffer a recurrence or a new injury before all supplemental disability credits are regained, the supplemental disability credit balance shall be that balance existing at the beginning of the pay period in which the recurrence or new injury occurs and shall be adjusted for the amount of supplemental disability credits subsequently earned and sick leave with pay credits subsequently used.]]

C. Discussion

This change is based on several recommendations recently received by the Civil Service Commission to eliminate perceived incentives for staying on Workers' Compensation. While it was not intended, the current Rule results in an employee receiving more compensation by staying on Workers' Compensation as Workers' Compensation payments are not taxable.

This change also eliminates what has been perceived to be incentives to remain on Workers' Compensation:

(1) sick pay credits used to supplement Workers' Compensation benefits will be deducted from the employee's sick leave with pay balance pay and not from a "supplemental disability account"; and,

(2) an employee who used sick pay credits to supplement Workers' Compensation will earn sick pay at the regular rate when the employee returns from disability leave and will not earn sick pay at three times the regular rate.

NOTE: Additions to current Rule language are shown in UPPER CASE AND ARE UNDERLINED; deletions are indicated by [[double brackets]].

PROPOSED CHANGES TO CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE

PROPOSAL XII.

- Amend Section 22.04(A) - Leave to Accept Other City and County Position

A. Proposal

This proposal would specify that this provision applies to employees who accept exempt or temporary appointment in another class. It is an unlikely situation that a permanent employee would accept an exempt or temporary appointment in the same class.

This proposal would also update the Civil Service Commission Rules to conform to current Internal Revenue Service regulations by amending Rule 22 to eliminate the ability to defer the reimbursement of the vested sick leave with pay credit balance ("sick pay payoff").

B. Proposed Language

Section 22.04(A)

A. Leave by an employee who has completed the probationary period to accept exempt or temporary appointment IN ANOTHER CLASS in the City and County service may be approved for the duration of such appointment. Such leave by a probationary employee is subject to the provisions of the rule governing the probationary period.

C. Discussion

This change is an attempt to clarify this provision of the leave rule.

MEMORANDUM

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DATE: April 17, 1992

TO: Appointing Officers
Departmental Personnel Officers
Employees and Employee Organization Representatives

FROM: Albert C. Walker
General Manager, Personnel

DOCUMENTS
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SUBJECT PROPOSED AMENDMENT TO CIVIL SERVICE COMMISSION RULE 16 - PROBATIONARY PERIOD, TO INCREASE THE PROBATIONARY PERIOD OF CERTAIN CLASSES FROM SIX (6) MONTHS TO ONE (1) YEAR.

It is proposed that Civil Service Commission Rule 16 - Probationary Period, be amended to increase the probationary periods of the following classes from six (6) months to one (1) year:

1280 Employee Relations Assistant
1281 Employee Relations Representative
1282 Principal Employee Relations Representative
1671 Financial Systems Operations Supervisor
1801 Supervising Performance Auditor
1805 Associate Performance Auditor
2560 Rehabilitation Coordinator
2850 Director, Women, Infant and Child's Programs, Department of Public Health
5296 Planner IV, Urban Systems Analyst
9146 Manager, Elderly and Handicapped, MUNI
9202 Airport Communications Dispatcher

The change would amend Civil Service Commission Rule 16 - Probationary Period, by adding the classes listed to the Rule 16 Appendix.

Requests to meet and confer by recognized employee organizations, and requests to consult by other parties, on this proposed change must be in writing, received by 5 p.m., Friday, May 1, 1992 and must include the name and telephone number of a contact person. Meetings will be scheduled at mutually convenient times.

Address all requests to: Carol M. Sam, Assistant Secretary, Civil Service Commission, Room 153 City Hall, San Francisco, CA 94102-4693.

Any requests received after the deadline will not be considered.

CIVIL SERVICE COMMISSION

Albert C. Walker
General Manager, Personnel

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DOCUMENTS DEPT.
JUN 1 1992
SAN FRANCISCO
PUBLIC LIBRARY

MEMORANDUM

DATE: May 29, 1992

TO: Appointing Officers
Departmental Personnel Officers
Employees and Employee Organization Representatives

FROM: Albert C. Walker
General Manager, Personnel

SUBJECT PROPOSED AMENDMENT TO CIVIL SERVICE COMMISSION RULE 16 - PROBATIONARY PERIOD, TO INCREASE THE PROBATIONARY PERIOD OF CLASS 2580 CORONER'S INVESTIGATOR FROM SIX (6) MONTHS TO ONE (1) YEAR.

It is proposed that Civil Service Commission Rule 16 - Probationary Period, be amended to increase the probationary period of the following class from six (6) months to one (1) year:

Class 2580 Coroner's Investigator

The change would amend Civil Service Commission Rule 16 - Probationary Period, by adding the class listed to the Rule 16 Appendix.

Requests to meet and confer by recognized employee organizations, and requests to consult by other parties, on this proposed change must be in writing, received by 5 p.m., Friday, June 12, 1992 and must include the name and telephone number of a contact person. Meetings will be scheduled at mutually convenient times.

Address all requests to: Carol M. Sam, Assistant Secretary, Civil Service Commission, Room 153 City Hall, San Francisco, CA 94102-4693.

Any requests received after the deadline will not be considered.

CIVIL SERVICE COMMISSION

Albert C. Walker
General Manager, Personnel

1007B

MEMORANDUM

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DATE : March 30, 1992

TO : Appointing Officers
Departmental Personnel Officers
Employees and Employee Organization Representatives

FROM : Albert C. Walker
General Manager, Personnel

SUBJECT: TIME SCHEDULE AND ORDER OF BUSINESS FOR THE CIVIL SERVICE COMMISSION MEETING OF APRIL 6, 1992

In order to provide persons with business before the Civil Service Commission an approximate time that the item of interest may be heard, the Commission will follow the following format for its meeting of Monday, April 6, 1992:

2 p.m., Part I Session:	Consent Calendar. Regular Calendar.
3 p.m., Part II Session:	Appeals by candidates for Class Q2 Police Officer, Class 8304 Deputy Sheriff, Class H2 Firefighter and Class 9163 Transit Operator. A roll call will be held at 3 p.m. (see below).
4 p.m., Part III Session:	Separations from the Service. A roll call will be held at 4 p.m. (see below).
5 p.m., Part IV Session:	Policy and Oversight matters.

All business will be conducted in Room 282 (second floor) City Hall.

Roll Call: As soon after 3 p.m. as practicable for the Part II session and 4 p.m. for the Part III session, a roll call will be made of the names of persons appearing on each calendar to ascertain who is present for hearing. The Commission will take immediate action during the roll calls on those persons not in attendance. The Secretary will also announce continuances and other changes to the agenda during the roll calls.

The April 6 Civil Service Commission agenda will be published and routed or mailed on Wednesday, April 1, 1992. Copies of this agenda will be available for pick-up in the Assistant Secretary's Office, Room 153 City Hall, after 12 Noon on Wednesday, April 1.

Please refer all questions related to this meeting schedule to Carol Sam, Assistant Secretary, Civil Service Commission, at 554-4747.

CIVIL SERVICE COMMISSION

Albert C. Walker
General Manager, Personnel

(0321B)

MEMORANDUM

DATE : June 12, 1992

TO : Appointing Officers
Departmental Personnel Officers
Employees and Employee Organization Representatives

FROM : Albert C. Walker
General Manager, Personnel

SUBJECT: PROPOSED AMENDMENT TO CIVIL SERVICE COMMISSION RULE 6 - SEPARATION HEARINGS AND PROCEDURES, SECTION 6.06 - PROCEDURE FOR DISMISSAL OF REGULAR PERMANENT EMPLOYEE EXCEPT MEMBERS OF THE UNIFORMED RANKS OF THE POLICE AND FIRE DEPARTMENTS.

Attached is a copy of proposed amendments to Civil Service Commission Rule 6 - Separation Hearing and Procedures, Section 6.06 - Procedure for Dismissal of Regular Permanent Employee Except Members of the Uniformed Ranks of Police and Fire Departments, to conform with Charter Section 8.341 - Removal or Discharge of Permanent, Non-Probationary Employees, as amended by Proposition E (November 1991 election). Proposition E is effective on September 1, 1992.

Currently, a permanent employee who has passed the probationary period can only be dismissed by a hearing officer after the preferral of charges by an appointing officer. Pending the dismissal hearing the employee remains on the payroll unless there is some basis for suspension pending the hearing. With the passage of Proposition E, a permanent employee may be removed or discharged by the appointing officer or designee for just cause. The employee then has thirty (30) days from the date of mailing of the notice of dismissal to file an appeal of the matter in writing with the appointing officer. Upon receipt of a timely appeal following the employee's separation, the matter is heard before a hearing officer.

Requests to meet and confer by recognized employee organizations, and requests to consult by other parties, on this proposed change must be in writing, received by Friday, June 26, 1992 and must include the name and telephone number of a contact person.

Address all requests to Carol M. Sam, Assistant Secretary, Civil Service Commission, Room 153 City Hall, San Francisco, CA 94102-4693.

Any requests received after the deadline will not be considered.

CIVIL SERVICE COMMISSION

Albert C. Walker
General Manager, Personnel

1077B

RULE 6

SEPARATION HEARINGS AND PROCEDURES EXCLUDING DISCIPLINARY ACTION AGAINST STRIKING EMPLOYEES UNDER CHARTER SECTION 8.346.

Section 6.01. RULES OF PROCEDURE GOVERNING SEPARATION HEARINGS

A. Procedures **contained in this rule** govern the following **types of** employees:

1. Temporary **from an eligible list**.
2. Limited Tenure
3. Probationary Entrance
4. Probationary Promotive
5. Dismissal of Permanent

B. A notice of termination on the form prescribed by the General Manager, Personnel, from the appointing officer to the employee detailing the specific reason(s) for the termination, shall serve as official notice of such termination. The notice of termination shall be sent by certified mail or personally delivered. Copies of the termination form must be filed in the Civil Service Department. The termination must be approved in accordance with Section 3.501 of the Charter.

C. The notice of termination must include the following information:

1. The employee has the right to:

a. A hearing before the Civil Service Commission provided that a request is made in writing and is received in the Commission office within twenty (20) calendar days **from the date of notification from the department of the Hearing Officer's decision for dismissal of permanent appointees or** from the date of termination of appointment or from the date of mailing of the Notice of Termination, whichever is later **for other types of appointments governed by this rule.** In the event the twentieth (20th) day falls on a non-business day, the deadline shall be extended to the close of business of the first business day following the twentieth (20th) day. The decision of the Civil Service Commission may affect any future employment with the City and County of San Francisco.

b. Representation by an attorney or authorized representative of the employee's choice at the inquiry.

c. Notification of date, time and place of inquiry a reasonable time in advance.

d. Inspection by the employee's attorney or authorized representative of those records and materials in the Civil Service Commission Office which relate to the termination.

2. Any interested party may request a continuance of the inquiry.

3. The stated reason(s) for the termination must be enumerated. Records of warnings, reprimands and previous suspensions, if applicable to the reasons for termination, must be attached to the termination form.

4. To the extent practicable, the departmental representative who has the most complete personal knowledge of the facts which constitute the basis for the termination shall appear when the matter is to be considered by the Commission. The matter will be heard in accordance with Rule 5, Section 5.13. Interested parties may record the inquiry if they provide the necessary equipment.

Section 6.02. PROCEDURE FOR TERMINATION OF TEMPORARY EMPLOYEE **FROM AN ELIGIBLE LIST**.

A. A temporary employee may be terminated for cause by an appointing officer at any time. The notification and hearing procedure shall be in accordance with the provisions of Rule 6, Section 6.01.

B. The Commission shall take one or more of the following actions:

1. Declare the person dismissed from the service and remove the name of the person from the eligible list.

2. Order the name of the person removed from any other list or lists on which the person has eligibility.

3. Restrict future employment as it deems appropriate.

4. Return the name of the person to the eligible list from which appointed without restriction or under such conditions for further appointment as it deems appropriate. If the list from which the terminated employee was appointed has expired, the name of the employee may be placed on a reemployment register for the class for an additional period of eligibility of twelve (12) months under such conditions for further appointment as the Commission deems appropriate.

Section 6.03. PROCEDURE FOR TERMINATION OF LIMITED TENURE EMPLOYEE

A. A limited tenure employee may be terminated for good cause by an appointing officer at any time with the approval of the Commission. The notification and hearing procedure shall be in accordance with the provisions of Rule 6, Section 6.01.

B. The Commission shall take one or more of the following actions:

1. Approve the termination and declare the person dismissed from the service.

2. Order the name of the person removed from any regular eligible list or lists on which the person may have standing.

3. Restrict future employment as it deems appropriate.

4. Disapprove the termination and reinstate the person to the department.

Section 6.04. PROCEDURE FOR TERMINATION OF ENTRANCE PROBATIONARY EMPLOYEE.

A. An entrance probationary employee may be terminated by the appointing officer at any time during the probationary period upon written notice of such termination to the employee and to the Civil Service Commission specifying the reasons for such termination. The notification and hearing procedures shall be in accordance with Section 8.340 of the Charter and with the provisions of Rule 6, Section 6.01.

B. The Commission shall take one or more of the following actions:

1. May declare such person dismissed, or return the name to the eligible list from which appointed under such conditions for further appointment it deems appropriate, provided that certification to the same position and same immediate supervisor will not be made if the termination was for disciplinary reasons. IF the list from which the terminated employee was appointed has expired, the name of the employee may be placed on a reemployment register for the class for an additional period of eligibility of twelve (12) months under such conditions for further appointment as the Commission deems appropriate.

2. Order the name of the person removed from any regular eligible list or lists on which the person may have standing.

3. Restrict future employment as it deems appropriate.

C. Probationary appointees in the entrance uniformed rank of the San Francisco Police Department charged with breach of duty or misconduct shall be afforded the procedural rights set forth in Charter Section 8.343 for such charges.

SECTION 6.05. PROCEDURE FOR TERMINATION OF PROMOTIVE PROBATIONARY EMPLOYEE.

A. A Promotive probationary employee may be terminated by the appointing officer at any time during the probationary period upon written notice of such termination to the employee and to the Civil Service Commission specifying the reasons for such termination. The termination shall be in accordance with Section 8.340 of the Charter and applicable procedure in Rule 6, Section 6.01.

B. The employee shall have the right of appeal and hearing before the Commission. Notice of Appeal shall be filed in writing in the Civil Service Commission office within twenty (20) calendar days as provided elsewhere in this Rule. The Commission will announce the time and place of hearing which shall be as soon thereafter as convenient to all parties.

C. The Commission shall render its decision within thirty (30) days after receipt of the notice of termination, and

1. may direct such person dismissed, or

2. declare such person reinstated in the position and may order that the employee be paid salary from the time of the termination of appointment, or

3. order the return of such person to a position in the class from which promoted and may re-establish the employee's eligibility to a list or eligibles for the promotive class under such conditions as the Commission may deem just. If the list from which the terminated employee was appointed has expired, the name of the employee may be placed on a reemployment register for the class for an additional period of eligibility of twelve (12) months under such conditions for further appointment as the Commission deems appropriate.

4. The decision of the Commission shall be final and shall not be reconsidered.

D. Employees returned by action of the Commission to a position in the class from which promoted shall not be required to serve a new probationary period unless otherwise ordered by the Commission.

E. Pending final decision, the appointing officer in the present or any other department has the option to restore the employee to duty in a position in the class from which promoted.

DELETIONS ARE CAPITALIZED AND ENCASED IN DOUBLE PARENTHESES (( )); **Additions are bold and underscored.**

Section 6.06. PROCEDURE FOR DISMISSAL OF REGULAR PERMANENT EMPLOYEE EXCEPT MEMBERS OF THE UNIFORMED RANKS OF THE POLICE AND FIRE DEPARTMENT.

A. Discharge of Permanent Employee

A permanent employee who has completed the probationary period may be **removed or** discharged **by the appointing officer** for **just** cause ((UPON WRITTEN CHARGES))**after being provided with written notice of the charges, copies of the documentation upon which the charges are based** and after having an opportunity ((TO BE HEARD IN HER/HIS DEFENSE)) **to respond to the appointing officer or his or her designee.**

((B. NOTIFICATION OF TIME AND PLACE OF HEARING))

((WHEN THE CHARGES ARE MADE, THE APPOINTING OFFICER SHALL NOTIFY THE PERSON IN WRITING OF THE TIME AND PLACE WHERE THE CHARGES WILL BE HEARD BY MAILING SUCH STATEMENT VIA CERTIFIED MAIL TO THE EMPLOYEE'S LAST KNOWN ADDRESS. SUCH HEARING SHALL NOT BE HELD WITHIN FIVE (5) WORKING DAYS OF THE DATE ON WHICH THE NOTICE IS MAILED. THE EMPLOYEE MAY BE REPRESENTED BY COUNSEL OR OTHER REPRESENTATIVES OF THE EMPLOYEE'S CHOICE.))

B. Departmental Agreements with Unions

A recognized employee organization and any affected city department may agree to alternative procedures, including final and binding arbitration by a neutral arbitrator jointly selected by the employee organization and the city, to deal with charges brought against individual employees, the resolution of such charges and the appropriate discipline, if any, to be imposed on the employee. Said alternative procedures shall be included in a Memorandum of Understanding between the city and the employee organization which shall be effective when ratified by the Board of Supervisors.

((C. HEARING OFFICER - SOURCES

THE HEARING ITSELF, AS REQUIRED BY CHARTER, SHALL BE CONDUCTED BY A HEARING OFFICER UNDER CONTRACT TO THE APPOINTING OFFICER CHOSEN AS FOLLOWS IN EACH CASE:))

((1. FROM ORGANIZATIONS SUCH AS THE AMERICAN ARBITRATION ASSOCIATION OR THE STATE CONCILIATION SERVICE WHICH CUSTOMARILY PROVIDES HEARING OFFICERS, OR))

((2. FROM A LIST OF QUALIFIED HEARING OFFICERS CERTIFIED BY THE CIVIL SERVICE COMMISSION, SUCH LIST TO BE KEPT CURRENT AND TO CONTAIN AT ALL TIMES AT LEAST THREE (3) NAMES.))

C. Unpaid Administrative Leave Pending Investigation

Pending investigations of conduct involving misappropriation of public funds or property, misuse or destruction of public property, drug addiction or habitual intemperance, mistreatment of persons, immorality, acts which would constitute a felony or misdemeanor involving moral turpitude, or acts which present an immediate danger to the public health and safety, the appointing officer may place the accused person on unpaid administrative leave for no more than 30 calendar days unless the investigation shall be delayed beyond such time by the act of the accused person.

((D. HEARING OFFICER - METHOD OF SELECTION))

((THE CIVIL SERVICE COMMISSION SHALL CERTIFY ITS LIST OF HEARING OFFICERS BY THE FOLLOWING METHOD:))

((1. THE COMMISSION SHALL CAUSE TO BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION AN ANNOUNCEMENT OF OPENINGS FOR HEARING OFFICERS. THIS ANNOUNCEMENT SHALL RUN EITHER FOR A PERIOD OF FIVE (5) WORKING DAYS OR FOR TWO (2) WEEKENDS AT THE DISCRETION OF THE COMMISSION.))

((2. THE COMMISSION SHALL INCLUDE IN ITS LIST ONLY SUCH APPLICANTS AS TO SATISFY THE FOLLOWING CRITERIA:))

((a. HAVE AT LEAST ONE (1) YEAR OF EXPERIENCE IN THE CONDUCT OF JUDICIAL HEARINGS IN THE CAPACITY OF A HEARING OFFICER.))

((b. HAVE EXPERIENCE IN THE RESOLUTION OF DISPUTES INVOLVING THE INTERPRETATION OF LABOR-MANAGEMENT CONTRACTS.))

((3. THE CIVIL SERVICE COMMISSION SHALL POST THE LIST OF PANEL MEMBERS SO SELECTED FOR A PERIOD OF FIVE (5) WORKING DAYS DURING WHICH TIME EMPLOYEES, PUBLIC EMPLOYEE ORGANIZATIONS OR CITY DEPARTMENTS MAY SEEK TO DEMONSTRATE IN WRITING THAT ANY MEMBER OF THE PANEL IS UNACCEPTABLE. THE GENERAL MANAGER, PERSONNEL, SHALL REVIEW SUCH CHALLENGES AND SHALL DETERMINE WHETHER ON THE BASIS OF THE CHALLENGE THE INDIVIDUAL SHOULD BE ELIMINATED FROM THE APPROVED LIST.))

D. Notification of Dismissal or Removal

The employee shall be notified in writing by the appointing officer or his or her designee of the decision and effective date of the dismissal or removal and shall cite rights of appeal.

E. Appeal of Removal or Discharge

The employee shall have thirty (30) calendar days from the date of mailing of the notice to file an appeal of the matter in writing with the appointing officer.

((E. HEARING OFFICER - CHALLENGE OF EMPLOYEE))

((THE EMPLOYEE MAY CHALLENGE THE COMPETENCE OF THE HEARING OFFICER WHO IS SCHEDULED TO HEAR THE EMPLOYEE'S CASE ON THE BASIS THAT THE OFFICER IS IN SOME DEMONSTRABLE MANNER BIASED OR PREJUDICED AGAINST THE EMPLOYEE AND THAT, THEREFORE, THE EMPLOYEE WILL NOT BE AFFORDED A FAIR HEARING. THE CHALLENGE MUST BE MADE IN THE FOLLOWING MANNER:))

((1. THE CHALLENGE MUST BE BY WRITTEN AFFIDAVIT;))

((2. THE CHALLENGE MUST BE RECEIVED BY THE APPOINTING OFFICER AT LEAST TWENTY-FOUR (24) HOURS PRIOR TO THE COMMENCEMENT OF THE HEARING;))

((3. SHOULD THE CHALLENGE CAUSE THE DEPARTMENT TO INCUR EXPENSE THROUGH THE CANCELLATION OF THE HEARING OFFICER, SHORTHAND REPORTER, ETC., SUCH EXPENSES SHALL BE BORNE BY THE EMPLOYEE IN KEEPING WITH THE SECTION ON COSTS BELOW. IF THE EMPLOYEE HAS BEEN PLACED ON SUSPENSION PENDING THE HEARING, ANY DELAY IN THE HEARING OCCASIONED THROUGH CHALLENGE OR REPLACEMENT OF A HEARING OFFICER SHALL BE CONSIDERED A DELAY OF THE HEARING BY ACT OF THE ACCUSED EMPLOYEE AND SHALL EXTEND INDEFINITELY THE THIRTY-DAY PERIOD REFERRED TO IN CHARTER SECTION 8.341.))

((IN THE EVENT THAT THE APPOINTING OFFICER SHALL DETERMINE THAT THE HEARING OFFICER CANNOT AFFORD THE EMPLOYEE A FAIR HEARING, THE APPOINTING OFFICER SHALL IMMEDIATELY MAKE ARRANGEMENTS TO OBTAIN THE SERVICES OF ANOTHER HEARING OFFICER IN ACCORDANCE WITH THE METHODS STATED ABOVE.))

F. No Appeal Filed By Employee

In the event that the employee does not file a timely appeal regarding the dismissal or removal, the Civil Service Commisssion shall be notified and the employee shall be notified that he/she is ineligible for employment in any position covered by the civil service system of the City and County of San Francisco.

((F. HEARING OFFICER - EVIDENCE TO BE CONSIDERED))

((THE HEARING OFFICER SHALL DECIDE THE CASE ON THE BASIS OF THE EVIDENCE PRESENTED. THE HEARING OFFICER SHALL DETERMINE WHETHER THE ACCUSED EMPLOYEE HAS ADHERED TO THE APPLICABLE ORDERS, RULES, REGULATIONS, ORDINANCES, CHARTER PROVISIONS, OR APPLICABLE SECTIONS OF THE MEMORANDA OF AGREEMENT OR MEMORANDA OF UNDERSTANDING. THE HEARING OFFICER SHALL BE PROHIBITED FROM CONSIDERING THE RELATIVE MERITS OR SOCIAL DESIRABILITY OF SUCH ORDERS, RULES, REGULATIONS, ORDINANCES, CHARTER PROVISIONS OR SECTIONS OF MEMORANDA OF AGREEMENT OR MEMORANDA OF UNDERSTANDING AS MAY BE APPLICABLE TO THE CASE.))

G. Timely Appeal Filed By Employee

Upon receipt of a timely appeal, the hearing shall be conducted forthwith by a qualified and unbiased hearing officer. The Civil Service Commission shall be notified of all timely appeals.

((G. HEARING OFFICER - DECISION

WITHIN FIVE (5) WORKING DAYS OF THE CLOSE OF THE HEARING, UNLESS SPECIFICALLY EXEMPTED FOR GOOD CAUSE BY THE APPOINTING OFFICER, THE HEARING OFFICER SHALL NOTIFY THE APPOINTING OFFICER IN WRITING OF A DECISION IN THE CASE. THE HEARING OFFICER SHALL BE LIMITED TO THE FOLLOWING OPTIONS IN DECIDING THE CASE:))

((1. THE HEARING OFFICER MAY EXONERATE THE EMPLOYEE IN WHICH CASE THE RECORD MAY, AT THE DISCRETION OF THE HEARING OFFICER, BE EXPUNGED AND THE EMPLOYEE MAY RECEIVE BACK PAY FOR ALL TIME LOST.))

((2. THE HEARING OFFICER MAY FIND THE EMPLOYEE GUILTY AS CHARGED, IN WHICH CASE THE FOLLOWING THREE PROVISIONS APPLY:))

((a. THE HEARING OFFICER MAY ORDER THE EMPLOYEE RETURNED TO WORK BUT WITHOUT BACK PAY FOR ANY TIME NOT WORKED BETWEEN THE TIME CHARGES WERE MADE AND THE TIME OF THE HEARING OF THE TIME THE HEARING OFFICER RENDERS A DECISION, WHICHEVER IS LONGER.))

((b. THE HEARING OFFICER MAY SUSPEND THE EMPLOYEE WITHOUT PAY BUT MAY NOT AT HER/HIS DISCRETION, ORDER BACK PAY FOR ANY PERIODS NOT WORKED PRIOR TO THE HEARING.))

((C. THE HEARING OFFICER MAY DISMISS THE EMPLOYEE.))

H. Hearing Officer

1. Sources

The hearing shall be conducted by a hearing officer under contract to the City and County of San Francisco chosen from a list of qualified hearing officers certified by the Civil Service Commission, such list shall be constituted annually. The Commission shall make reasonable effort to ensure at least fifteen (15) names at all times.

2. Selection to Panel

The Civil Service Commission shall certify its list of hearing officers by the following method:

a. The Commission shall circulate an announcement of openings for hearing officers. Such announcement shall be widely distributed and posted. The Commission shall recruit hearing officers and may advertize for such in appropriate publications and may otherwise publicize the need for hearing officers.

b. The Commission shall include in its list only such applications as to satisfy the following criteria:

i. Have at least one (1) year of experience in the conduct of administrative hearings in the capacity of a hearing officer.

ii. Have experience in hearing employee discipline and discharge cases.

c. A review board shall be convened to review resumes of qualified candidates and to nominate panelists.

d. The Civil Service Commission shall post the list of panel members so selected for a period of five (5) working days during which time employees, public employees organizations or city departments may seek to demonstrate in writing that any member of the panel is unacceptable. The General Manager, Personnel shall review such challenges and shall determine whether on the basis of the challenge the individual should be eliminated from the approved list.

((H. NOTIFICATION OF DECISION OF HEARING OFFICER))

((WITHIN FIVE (5) WORKING DAYS AFTER THE APPOINTING OFFICER RECEIVES WRITTEN NOTIFICATION OF THE DECISION OF THE HEARING OFFICER, THE APPOINTING OFFICER SHALL INFORM THE EMPLOYEE IN WRITING OF THE DECISION OF THE HEARING OFFICER AND SHALL, BY COPIES OF THIS CORRESPONDENCE AND THE WRITTEN NOTIFICATION FROM THE HEARING OFFICER, INFORM THE CIVIL SERVICE COMMISSION OF THE DECISION AND THE ACTION TAKEN.))

DELETIONS ARE CAPITALIZED AND ENCASED IN DOUBLE PARENTHESES (( )); **Additions are bold and underscored.**

I. Hearing Officer - Method of Selection

The appointing officer or designee shall choose the hearing officer from the list of hearing officers certified to the panel unless an agreement has been reached between the Civil Service Commission and an employee organization to utilize an alternate procedure.

((I. Costs))

((THE DEPARTMENT BRINGING CHARGES AGAINST AN EMPLOYEE SHALL PAY ALL FEES FOR HEARING OFFICERS AND COURT REPORTERS, AND, IF REQUIRED, THE COST OF PREPARATION OF THE TRANSCRIPT WITH THE FOLLOWING EXCEPTION:))

((IF ADDITIONAL COSTS ARE INCURRED AS A RESULT OF ANY REQUEST OF THE EMPLOYEE (SUCH AS COSTS OCCASIONED BY THE UNTIMELY POSTPONEMENT OF A HEARING, CHALLENGES OF HEARING OFFICER, ETC.), ALL SUCH ADDITIONAL COSTS, SUCH AS CANCELLATION FEES OR FEEs WHEN COURT REPORTERS CANNOT BE NOTIFIED OF THE CANCELLATION OF A HEARING WITHIN THEIR ESTABLISHED AND CUSTOMARY LIMITS, SHALL BE BORNE BY THE EMPLOYEE.))

J. Hearing Officer - Evidence to be Considered

The hearing officer shall publicly hear and determine the appeal on the basis of the evidence presented. The hearing officer shall also determine whether the accused employee has adhered to the applicable orders, rules, regulations, ordinances, charter provisions, or applicable sections of any Memoranda of Agreement of Memoranda of Understanding. The hearing officer shall be prohibited from considering the relative merits or social desirability of such orders, rules, regulation, ordinances, charter provisions

or sections of Memoranda of Agreement or Memoranda of Understanding as may be applicable to the case.

K. Hearing Officer - Decision

Within five (5) working days of the close of the hearing, unless specifically exempted for good cause by the appointing officer, the hearing officer shall notify the appointing officer in writing of a decision in the case. The hearing officer shall be limited to the following options in deciding the case.

1. The hearing officer may exonerate the employee in which case the record may, at the discretion of the hearing officer, be expunged and the hearing officer may order payment of salary to the employee for the period of discharge or removal or unpaid administrative leave, and the report of such period of discharge or removal or unpaid administrative leave shall thereupon be expunged from the record of service of such employee.

2. The hearing officer may find the employee guilty as charged, in such case the following three provisions shall apply:

a. The hearing officer may order the employee returned to work but without back pay for any time not worked between the time charges were made and the time of the hearing or the time the hearing officer renders a decision, whichever is longer.

b. The hearing officer may suspend the employee without pay but may not order back pay for any periods not worked prior to the hearing.

c. The hearing officer may uphold the discharge or removal of the employee.

L. Notification of Decision of Hearing Officer

Within five (5) working days after the appointing officer receives written notification of the decision of the hearing officer, the appointing officer shall inform the employee in writing of the decision of the hearing officer and shall, by copies of this correspondence and the written notification from the hearing officer, inform the Civil Service Commission of the decision and the action taken. (This section taken verbatim from the current Civil Service Commission Rule 6.06 (H)).

M. Costs

All fees for hearing officer and court reporter, and if requested by the hearing officer, the cost of preparation of the transcript shall be shared equally between the city and the employee with the following exceptions:

If additional costs are incurred as a result of any request of the employee or the city (such as costs occasioned by the untimely postponement of a hearing, etc.), all such additional costs, such as

cancellation fee or fees when court reporters cannot be notified of the cancellation of a hearing within their established and customary limits, shall be borne by the responsible party.

Transcripts requested by either side for the purpose of litigation shall be the paid for by the requesting party.

Both parties shall be required to submit payment based upon an estimate of the cost of the appeal hearing prior to the commencement of the appeal hearing .

((SECTION 6.07 PROCEDURE FOR HEARING AN CHARGES AGAINST AN EMPLOYEE WHEN THE APPOINTING OFFICER NEGLECTS OR REFUSES TO ACT))

((WHEN THE APPOINTING OFFICER NEGLECTS OR REFUSES TO ACT PERTAINING TO THE REMOVAL OF ANY EMPLOYEE SUBJECT TO THE CIVIL SERVICE PROVISION OF THE CHARTER, THE COMMISSION MAY HEAR AND DETERMINE ANY CHARGE FILED BY A CITIZEN, OR BY ANY MEMBER OF OR BY AN AUTHORIZED AGENT OF THE COMMISSION. IN RENDERING ITS DECISION, THE COMMISSION SHALL DETERMINE THE CHARGES AND ANY EXONERATE, SUSPEND OR DISMISS THE ACCUSED EMPLOYEE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 8.341 OF THE CHARTER.))

((THE APPOINTING OFFICER OR THE DEPARTMENT REPRESENTATIVE SHALL APPEAR WHEN THE MATTER IS TO BE CONSIDERED. THE MATTER WILL BE HEARD IN ACCORDANCE WITH RULE 5, SECTION 5.13 - ORDER OF PRESENTATION.))

Section 6.07 **PROCEDURE FOR DISMISSAL OR REMOVAL OF AN EMPLOYEE WHEN THE APPOINTING OFFICER NEGLECTS OR REFUSES TO ACT**

DELETIONS ARE CAPITALIZED AND ENCASED IN DOUBLE PARENTHESES (( )); **Additions are bold and underscored.**

The civil service commission may remove or discharge an employee for any charge filed by a citizen or by any member of or authorized agent of the commission when the appointing officer neglects or refuses totake such action against the employee within 30 calendar days of notification to the appointing officer or the department head of the occurrence or event giving rise to the charges. Removal or discharge may be made for any cause after the employee is provided with written notice of the charges, copies of all documentation upon which the charges are based and after the employee has had the opportunity to respond to the charges before the civil service commission or its designee. The decision of the civil service commission shall be final.

Section 6.08 ELIGIBILITY STATUS PENDING COMMISSION ACTION ON TERMINATION OR DISMISSAL

Except as otherwise ordered by the General Manager, Personnel, pending action of the Commission on termination of any appointment or upon dismissal, the name of the appointee shall be placed under waiver for all appointment(s) on any eligible list on which the person has standing and shall be otherwise ineligible for any employment in the City and County Service

((Section 6.09 EFFECT OF COMMISSION APPROVAL OF TERMINATION OR DISMISSAL))

((UNLESS SPECIFICALLY ORDERED OTHERWISE BY THE COMMISSION, APPROVAL OF TERMINATION OR DISMISSAL SHALL RESULT IN THE CANCELLATION OF ALL CURRENT EXAMINATION AND ELIGIBILITY STATUS, AND ALL FUTURE APPLICATIONS WILL REQUIRE THE APPROVAL OF THE GENERAL MANAGER, PERSONNEL, AFTER COMPLETION OF ONE YEAR'S SATISFACTORY WORK EXPERIENCE OUTSIDE THE CITY AND COUNTY SERVICE AND THE PERSON SHALL BE INELIGIBLE FOR FUTURE EMPLOYMENT WITH THE DEPARTMENT FROM WHICH SEPARATED.))

Section 6.09 EFFECT OF FAILURE TO REQUEST COMMISSION REVIEW OF TERMINATION OR DISMISSAL

A. Failure to request a Commission review within the twenty (20) ((DAY PERIOD)) **calendar days** as provided elsewhere within this Rule shall result in the following action((S)):

((1. THE ADOPTION OF THE DEPARTMENTAL RECOMMENDATION AS APPROVED BY THE GENERAL MANAGER, PERSONNEL; OR))

((2. THE FOLLOWING:

A. APPROVAL OF THE SEPARATION, IF SUCH ACTION IS APPROPRIATE))

((B. DISMISSAL FROM THE CITY AND COUNTY SERVICE.))

((C. THE CANCELLATION OF ALL CURRENT EXAMINATION AND ELIGIBILITY STATUS.))

((D. ALL FUTURE APPLICATIONS SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE GENERAL MANAGER, PERSONNEL, AFTER SATISFACTORY COMPLETION OF ONE YEAR'S WORK EXPERIENCE OUTSIDE THE CITY AND COUNTY SERVICE.))

1. Ineligible for employment in any position that is covered by the civil service system of the City and County of San Francisco.

((B. This action shall be final and shall not be subject to reconsideration unless the person can present evidence in writing of being unable to communicate with the Commission within thirty (30) calendar days of being able to so communicate. All requests for reconsideration shall be in writing and shall be processed in accordance with the procedure for reconsideration outlined in Rule 5.))

((C. the provision of this section as adopted on June 1, 1987 shall affect all termination or dismissal effective on or after July 1, 1987.))

MEMORANDUM

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SAN FRANCISCO
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DATE: August 18, 1992

TO: Appointing Officers
Departmental Personnel Officers

PUBLIC LIBRARY
CIVIC CENTER BRANCH
DOCUMENTS SECTION
1 ML (54) BOX 41

FROM: Albert C. Walker
General Manager, Personnel

SUBJECT: **Implementation of Proposition D (November 1991 Election) - Proposed Amendments to Civil Service Commission Rule 11, Section 11.02 - Certification of Eligibles, to provide for the Broadening or Expansion of the Certification Rule Beyond the Rule of Three Scores.**

Attached are proposed amendments to Civil Service Commission Rule 11, Section 11.02 - Certification of Eligibles, which will allow the expansion of the rules governing the certification of eligibles beyond the Charter minimum Rule of Three Scores up to and including the "Rule of the List." This proposal is in implementation of Proposition D which passed at the November 1991 election by 69%. The Commission posted these changes for amendment at its meeting on Monday, August 17, 1992 and referred them to the Mayor's Employee Relations Division to commence the meet and confer process with employee organizations.

The proposed changes permit the General Manager, Personnel to establish the certification rule for each class by indicating the certification rule as a provision on the examination announcement. Once established, the certification rule for the class would be used in all future examinations for that class until either the Commission or the General Manger, Personnel, directs that a different rule be used. A provision of an examination announcement is appealable through the General Manager, Personnel to the Commission under Civil Service Commission Rule 5, Section 5.06. The proposal allows the General Manager, Personnel to consult with appointing officers, union representatives, and others before establishing the certification rule.

There is a significant addition to Rule Section 11.02 being proposed in that the Commission and the City and County's Equal Employment Opportunity and Affirmative Action (EEO/AA) policy is articulated and reiterated. The addition of the EEO/AA Policy is, first, to insure that each employment consideration and selection is transacted in an EEO/AA context consistent with the Commission's policy; second, to provide a mechanism for measuring the success or failure of the various certification rules in meeting the City and County's EEO/AA obligations; third, to gauge the use or non-use of opportunities to promote EEO/AA by the departments; and finally, among other purposes, to address the concerns of persons who fear that increased flexibility by expansion of the certification rule will lead to abuse and further affect the representation of women and minorities in the City and County work force.

It is believed that by monitoring and measuring certifications and selections department by department, issuing reports, having the Civil Service Commission review these reports in public, investigating exceptions, and keeping the certification and selection process open and visible will eliminate or at least significantly reduce the potential for abuse.

It is sincerely hoped that as the flexibility of managers is increased by the ability to properly match candidates with jobs and with the significant increase in opportunities to meet affirmative action goals through the expansion of the certification rule, that emphasis will be on the attributes of increased flexibility, enhanced ability and significant opportunities rather than on the downside of such expansion.

In granting the increase in opportunities, flexibility and enhancement, the Civil Service Commission will concomitantly articulate its equal employment opportunity and affirmative action policies and will be actively participating in the monitoring and measurement process. Strong action will be taken if abuse occurs.

These proposals are commended to you. It is believed that expansion of the certification rule will go far in addressing and in impacting many other actual and perceived problems in the City and County of San Francisco Civil Service System. For example, it is certain that a narrow certification rule is one of the principal factors that causes a proliferation of classes which in turn generates an enormous examination load with a resultant backlog. A backlog in examination means an increase in provisional employees. These three issues - too many classes, examination backlog and the large number of provisional employees - are the three most frequently cited concerns about the City and County Civil Service System. Once in place and allowed to operate for a period of time, expansion of the certification rule will, I am confident, prove to be therapeutic for the System.

CIVIL SERVICE COMMISSION

Albert C. Walker
General Manager, Personnel

Attachment

cc: Carl Bunch, Director, Mayor's Employee Relations Division

Proposed Amendment to
Civil Service Commission Rule 11 - Certification of Eligibles

DELETING IN ITS ENTIRETY
SECTION 11.02, SUBSECTIONS (A), (B), (C), (D) AND (E)

Section 11.02. CERTIFICATION OF ELIGIBLES

A. Rule of One

1. The name of the highest available eligible shall be certified to the appointing officer for each position to be filled from eligible lists from which the Government Code of the State of California requires Rule of One certifications.

2. If two (2) or more approved requisitions are on file, the General Manager, Personnel, may permit eligibles in line for appointment and in accordance with their standing on the list to select from among the available requisitions the positions to which they desire appointment.

3. In cases where eligibles on lists who would be reached for appointment on requisitions are at that time employed in the city and county service, the General Manager, Personnel, may consult with appointing officers and employees involved; and if it is in the best interests of the service, may offer out said positions as to make it possible for the continued employment of such eligibles in their current departments.

B. Rule of Three Scores

1. Except as provided above, the Commission shall certify to the appointing officer the names of eligibles with the three highest scores on the list of eligibles for the position who are available for appointment.

2. Except as otherwise provided when there are two (2) or more approved requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus two (2) scores.

C. Selective Certification of Certified Temporary Employees

1. With the exception of the uniformed ranks of the Police and Fire Departments, notwithstanding anything to the contrary in this or any other section of these Rules, an employee who has been appointed from a regularly adopted eligible list to a non-permanent position shall be entitled to appointment to a permanent position within the same classification before the certification of persons standing higher on the list of eligibles subject to a period of six (6) months of service in the class or for the period provided for in the examination announcement in any status and certification by the appointing officer(s) of satisfactory job performance for the period of the required service on the form and in the manner prescribed by the General Manager, Personnel.

2. The General Manager, Personnel, is authorized to take such administrative action not in conflict with these Rules as is required to make this section operative including imposition and removal of waivers.

D. Supplementary Certification

If all eligibles at a score waive appointment or fail to respond within the time limits provided in these Rules, the appointing officer may request supplementary certification(s) from the next highest score(s).

Section 11.02-contd.

E. Reemployment Registers

1. Eligibles on a reemployment register created by the Commission pursuant to the separation procedures provided elsewhere in these rules shall have priority over eligibles on regular lists for certification to available positions, provided, however, if there are less than three (3) names with different scores on such register, additional eligibles from the regular list shall be certified in combination with eligibles from the reemployment register and certification of eligibles shall be made under the Rule of Three (3) highest scores.

2. Ranking on a reemployment register shall be by order of seniority in the class in the city and county service.

3. Persons terminated from temporary civil service appointment who are placed on a reemployment register shall be eligible for certification to temporary positions only.

PROPOSED AMENDMENT TO
CIVIL SERVICE COMMISSION RULE 11 - CERTIFICATION OF ELIGIBLES,
SECTION 11.02 - CERTIFICATION RULES

THIS ENTIRE SECTION IS NEW

Section 11.02 CERTIFICATION RULES

A. Civil Service Commission Equal Employment Opportunity and Affirmative Action Policy Related to the Certification of Eligibles and Selection of Employees.

1. The Civil Service Commission endorses and supports the broadening of the rules governing the certification of eligibles from civil service lists and considers this broadening as an increase in opportunities for appointing officers to select employees who are best suited to perform the duties of specific positions and to provide greater opportunities to maximize multicultural diversity of the work force in the City and County of San Francisco.

2. Selection of employees from eligible lists shall be based on merit and fitness without regard to relationship, race, religion, sex, national origin, ethnicity, age, disability, political affiliation, sexual orientation, ancestry, marital status, color, medical condition or other non-merit factors, and with due consideration of affirmative action goals. Appointing officers and their designees shall be responsible for establishing non-discriminatory selection procedures which may include scheduling each interested eligible for interview, conducting interviews by a diverse panel, asking job-related questions, maintaining documentation of selection criteria, and reviewing the proposed selection with the department's affirmative action officer or with the Civil Service Commission Equal Employment Opportunity and Affirmative Action Division.

3. The General Manager, Personnel shall monitor certifications and selections for opportunities and successes in achieving affirmative action goals. The General Manager, Personnel shall compile and report to the Civil Service Commission on a quarterly basis the performance of each department and the effect of various certification rules. The first such report shall be presented to the Civil Service Commission at its first meeting in May 1993 and shall cover the period commencing January 1, 1993 and concluding on March 31, 1993.

4. The Civil Service Commission may direct the General Manager, Personnel to investigate selections made by departments and if it is determined that selections were not made in compliance with equal employment opportunity or affirmative action guidelines, the General Manager, Personnel may recommend and the Civil Service Commission may effect remedial actions.

5. The Civil Service Commission may direct that all future certifications and appointments to departments determined to be out of compliance be subject to the review of the Civil Service Commission Equal Employment Opportunity and Affirmative Action Division and approval of the General Manager, Personnel. Departments found having made selections without regard to equal employment opportunity or consideration of affirmative action goals shall be reported to the Civil Service Commission, the Mayor, and the Board of Supervisors.

6. In compliance with Charter Section 8.329, an annual report of certification activity shall be compiled by the General Manager, Personnel and forwarded to the Commission, the Mayor and to the Board of Supervisors for review of each department's performance in meeting its equal employment opportunity obligations and affirmative action goals. The first such report shall be submitted by March 1, 1994 and shall cover the period commencing January 1, 1993 and concluding on December 31, 1993.

B. Rule of One

1. The name of the highest available eligible shall be certified to the appointing officer for each position to be filled from eligible lists from which the Government Code of the State of California, the Charter or these Rules require Rule of One certifications.

2. If two (2) or more approved requisitions are on file, the General Manager, Personnel, may permit eligibles in line for appointment and in accordance with their standing on the list to select from among the available requisitions the positions to which they desire appointment.

3. In cases where eligibles on lists who would be reached for appointment on requisitions are at that time employed in the city and county service, the General Manager, Personnel, may consult with appointing officers and employees involved; and if it is in the best interests of the service, may offer out said positions as to make it possible for the continued employment of such eligibles in their current departments.

C. Rule of Three or More Scores

1. Definition

The names of all eligibles standing at a specified number of scores with a minimum of at least those eligibles with three scores shall be certified to each available position.

2. When More than One Position Available

Except as may otherwise be provided, when there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the certification rule applicable to the eligible list being certified.

3. When Eligible List Exhausted

An eligible list adopted under the Rule of Three or More Scores shall in all cases be exhausted when eligibles standing at less than three (3) scores are available. Use of the eligible list when there is less than the minimum certification available shall be at the discretion of the appointing officer.

4. Supplementary Certification

If all eligibles at a score waive appointment or fail to respond within the time limits provided in these Rules, the appointing officer may request supplementary certification(s) from the next highest score(s).

D. Rule of the List

1. Definition

The names of all eligibles on the eligible list shall be certified to each available position.

2. When Eligible List Exhausted

An eligible list adopted under the Rule of the List shall be exhausted when there are less than one third of the number of eligibles on the original list still available provided, however, if the original list had nine or fewer eligibles, at least three eligibles must be available; for original lists with 45 or more names, at least 15 eligibles must be available. In the event that application of the one-third formula specified above results in a fraction, the next highest number shall be used. Use of the list when there is less than the minimum certification available shall be at the discretion of the appointing officer.

E. Establishment of Certification Rule

1. The General Manager, Personnel shall establish the certification rule for each class by specifying the certification rule to be used to administer the eligible list in the first examination announcement for the class after the adoption of this section.

2. Once established, the certification rule shall be used to administer all future eligible lists in the class unless otherwise ordered by the Civil Service Commission or the General Manager, Personnel.

3. In establishing the certification rule, the General Manager, Personnel may consult with appointing officers, representatives of employee organizations and other pertinent parties.

F. Selective Certification of Certified Temporary Employees

1. With the exception of the uniformed ranks of the Police and Fire Departments, notwithstanding anything to the contrary in this or any other section of these Rules, an employee who has been appointed from a regularly adopted eligible list to a non-permanent position shall be entitled to appointment to a permanent position within the same classification before the certification of persons standing higher on the list of eligibles subject to a period of six (6) months of service in the class or for the period provided for in the examination announcement in any status and certification by the appointing officer(s) of satisfactory job performance for the period of the required service on the form and in the manner prescribed by the General Manager, Personnel.

2. The General Manager, Personnel, is authorized to take such administrative action not in conflict with these Rules as is required to make this section operative including imposition and removal of waivers.

MEMORANDUM

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DOCUMENTS SECTION
1 ML (54) BOX 41

DOCUMENTS DEPT.
AUG 31 1992
SAN FRANCISCO

DATE: August 28, 1992

TO: Appointing Officers
Departmental Personnel Officers
Employees and Employee Organization Representatives

FROM: Albert C. Walker
General Manager, Personnel

SUBJECT: PROPOSED AMENDMENT TO CIVIL SERVICE COMMISSION RULE 16 - PROBATIONARY PERIOD, TO INCREASE THE PROBATIONARY PERIOD OF CERTAIN CLASSES FROM SIX (6) MONTHS TO TWELVE (12) MONTHS

It is proposed that Civil Service Commission Rule 16 - Probationary Period, be amended to increase the probationary periods of the following classes from six (6) months to twelve (12) months:

5620 Regulatory Specialist
9373 Manager of Marketing
9386 Senior Property Manager, Port

This change would amend Civil Service Commission Rule 16 - Probationary Period, by adding the classes listed above to the Rule 16 Appendix.

Requests to meet and confer by recognized employee organizations, and requests to consult by other parties, on this proposed change must be in writing, received by 5 p.m., Friday, September 11, 1992 and must include the name and telephone number of a contact person.

Address all requests to: Carol M. Sam, Assistant Secretary, Civil Service Commission, Room 153 City Hall, San Francisco, CA 94102-4693.

Any requests received after the deadline will not be considered.

CIVIL SERVICE COMMISSION

Albert C. Walker
General Manager, Personnel

0267B

MEMORANDUM

DATE: August 28, 1992

TO: Appointing Officers
Departmental Personnel Officers
Employee Organizations

FROM: Albert C. Walker
General Manager, Personnel

SUBJECT: **Implementation of Proposition E (November 1991 Election) - Removal or Discharge of Permanent, Non-Probationary Employees.**

Proposition E at the November 1991 election amended Charter Section 8.341 which provides for the dismissal of permanent civil service employees past the probationary period. Proposition E modified the dismissal procedure to allow appointing officers to discharge permanent employees following a hearing subject to appeal to a hearing officer **after** the discharge is effective. This reverses the existing procedure in which the appointing officer prefers charges which are then determined by a hearing officer **before** the discharge is effective. The employee under the current procedure generally remains on the payroll pending the hearing and the determination of the charges.

A copy of Proposition E is attached which reflects the changes to Charter Section 8.341. The changes enacted by Proposition E are by operation of law effective on September 1, 1992 (see Proposition E, Charter Section 8.341, paragraph D).

The Civil Service Commission has previously proposed and posted changes to its Rules (Rule 6, Section 6.06) to conform with Proposition E. These changes have been and are now being met and conferred upon between the Civil Service Commission and a number of employee organizations. The Mayor's Employee Relations Division is representing the Civil Service Commission in these negotiations. Due to several factors, the Rules proposed by the Civil Service Commission to implement Proposition E will not be operational by September 1, 1992. However, the language of Charter Section 8.341 will change, despite the lack of adaptation to the Civil Service Commission Rules.

Consequently, City and County departments are to commence utilization of the modified procedure dictated by Proposition E effective on September 1, 1992. In the absence of changes to the Civil Service Commission Rules, Rule 6, Section 6.06, in its current form (copy attached) is to be used to process appeals of discharge decisions of appointing officers or their designees. Charges for dismissal under existing Charter Section 8.341 which were preferred up to and including August 31, 1992 in which the employee was suspended pending the hearing or in which the hearing has commenced are to be processed under current Rule 6, Section 6.06, until finally determined. Otherwise, charges preferred in which the dismissal process has not begun or in which charges are preferred on or after September 1, 1992 are to be processed under Charter Section 8.341 as revised by Proposition E.

You will be kept apprised of any changes as they occur. As soon as the amendments to Rule 6 are adopted by the Civil Service Commission, a Rule change amendment will be circulated and written procedures issued. In addition, the Civil Service Commission, the Mayor's Employee Relations Division, and the City Attorney's Office will be sponsoring workshops in the Fall and Winter on the conduct of the departmental dismissal hearing and the presentation of matters to hearing officers on appeal.

Until the Rule changes and procedures are in place, please direct questions regarding the dismissal of permanent employees to one of the following:

CIVIL SERVICE COMMISSION

Carol Sam, Assistant Secretary, Civil Service Commission
Room 153 City Hall, San Francisco, CA 94102
Telephone No.: 554-4747

Cindy Monroe, Senior Personnel Analyst
Room 153 City Hall, San Francisco, CA 94102
Telephone No.: 554-4748

Edgar Poma, Senior Personnel Analyst
Room 154C City Hall, San Francisco, CA 94102
Telephone No.: 554-4723

MAYOR'S EMPLOYEE RELATIONS DIVISION

Carl Bunch
Director, Mayor's Employee Relations Division
1182 Market Street, Mezzanine
Telephone No.: 554-8724

Please do not contact the City Attorney's Office directly. Direct your inquiry to one of the above persons. If legal assistance is required, a process has been established through the above persons to secure such aid.

Your cooperation during this period of change is very much appreciated.

CIVIL SERVICE COMMISSION

Albert C. Walker
General Manager, Personnel

Attachments

TEXT OF PROPOSED CHARTER AMENDMENT
PROPOSITION E

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by amending Section 8.341 thereof, relating to the removal or discharge of permanent employees.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 5, 1991, a proposal to amend the Charter of said city and county by amending Section 8.341 thereof, to read as follows:

NOTE: Additions or substitutions are indicated by bold face type; deletions are indicated by ~~strike out type~~.

8.341 ~~Dismissal for Cause~~ Removal or Discharge of Permanent, Non-Probationary Employees

A. Any ~~No~~ person employed under the civil service provisions of this charter, exclusive of members of the uniformed ranks of the police and fire departments as provided under Section 8.343 hereof, in a position defined by the commission as "permanent" may ~~shall~~ be removed or discharged by the appointing officer ~~except~~ for just cause, ~~upon~~ after being provided with written notice of the charges, copies of all documentation upon which the charges are based and after an opportunity to ~~be heard in his own defense~~ respond to the charges before the appointing officer or his or her designee. Pending investigation of conduct involving ~~such hearing, the appointing officer may suspend the person so accused if the accusation against the accused person involves~~ misappropriation of public funds or property, misuse or destruction of public property, drug addiction or habitual intemperance, mistreatment of persons, immorality, acts which would constitute a felony or misdemeanor involving moral turpitude, or acts which present an immediate danger to the public health and safety the appointing officer may place the accused person on unpaid administrative leave ~~but such suspension shall not be valid~~ for no more than 30 days unless ~~hearing upon the charges~~ the investigation shall be delayed beyond such time by the act of the accused person. When ~~charges are made~~ the appointing officer imposes discharge or removal he or she shall, in writing, notify the person ~~accused~~ removed or discharged of the ~~time and place where the charges will be heard,~~ right to appeal the discharge or removal by mailing such statement to his last known address. The employee shall have thirty days from the date of mailing of the notice to file an appeal of the matter in writing with the appointing officer. Upon receipt of a timely appeal, ~~(7)~~the ~~hearing~~ appeal shall be conducted forthwith by a qualified and unbiased hearing officer who shall be employed under contract by the city and county and selected by procedures set forth in the rules of the civil service commission. The hearing officer shall publicly hear and determine ~~charges~~ the appeal, and may approve the discharge or removal, or exonerate, or suspend ~~or~~ the accused.

If the employee is exonerated the hearing officer may, at his or her discretion, ~~remit the full period of the suspension or any portion thereof and may~~ order payment of salary to the employee for the ~~prescribed~~ period of ~~time under suspension,~~ the discharge or removal or unpaid administrative leave, and the report of such period of ~~suspension~~ discharge or removal or unpaid administrative leave shall thereupon be expunged from the record of service of such employee.

The civil service commission shall immediately be notified of the charges when made, of the action of the appointing officer to remove or discharge, of the ~~hearing~~ appeal, and of the finding thereon. The finding of the hearing officer shall be final.

The civil service commission may remove or discharge an employee ~~hear and determine~~ for any charge filed by a citizen or by any member of or authorized agent of the commission when the appointing officer neglects or refuses to take such action ~~bring such charge~~ against the employee within 30 days of notification to the department head of the occurrence or event ~~given~~ giving rise to the charge. Removal or discharge may be made for any cause ~~upon~~ after the employee is provided with written notice of the charges, copies of all documentation upon which the charges are based and after the employee has had the opportunity to ~~be heard in his own defense~~ respond to the charges before the civil service commission or its designee. The decision of the civil service commission shall be final.

Nothing in this section shall limit or restrict rules adopted by the commission governing dismissal of probationary employees, lay-offs or reduction in force or providing for the removal of any appointee who has abandoned his or her position as defined by civil service commission rule.

B. Notwithstanding the provisions of Subsection A above, a recognized employee organization and any affected city department may agree to alternative procedures, including final and binding arbitration by a neutral arbitrator jointly selected by the employee organization and the city, to deal with charges brought against individual employees, the resolution of such charges and the appropriate discipline, if any, to be imposed on the employee. Said alternative procedures shall be included in a Memorandum of Understanding between the city and the employee organization which shall be effective when ratified by the board of supervisors.

C. The effectiveness of this charter amendment is contingent upon the voters' approval at the November 5, 1991 election of an amendment adding Section 8.409 to this charter. If the amendment adding Section 8.409 to this charter is not adopted at the November 5, 1991 election, then it is the voters intent that (1) this amendment shall have no force and effect, (2) this amendment shall not become part of the charter, and (3) Section 8.341 shall continue to read as it did immediately before the November 5, 1991 election.

D. Subject to the contingency set forth in Section C above, this charter amendment shall be effective September 1, 1992. Prior to that date, Section 8.341 of this charter shall continue to read as it had immediately before the November 5, 1991 election. □

EXCERPT FROM
RULE 6

SEPARATION HEARINGS AND PROCEDURES EXCLUDING DISCIPLINARY ACTION AGAINST STRIKING EMPLOYEES UNDER CHARTER SECTION 8.346.

Section 6.06. PROCEDURE FOR DISMISSAL OF REGULAR PERMANENT EMPLOYEE EXCEPT MEMBERS OF THE UNIFORMED RANKS OF THE POLICE AND FIRE DEPARTMENTS

A. Discharge of Permanent Employee

A permanent employee who has completed the probationary period may be discharged for cause upon written charges and after having an opportunity to be heard in her/his own defense.

B. Notification of Time and Place of Hearing

When the charges are made, the appointing officer shall notify the person in writing of the time and place where the charges will be heard by mailing such statement via certified mail to the employee's last known address. Such hearing shall not be held within five (5) working days of the date on which the notice is mailed. The employee may be represented by counsel or other representatives of the employee's choice.

C. Hearing Officer - Sources

The hearing itself, as required by Charter, shall be conducted by a hearing officer under contract to the appointing officer chosen as follows in each case:

1. From organizations such as the American Arbitration Association or the State Conciliation Service which customarily provide hearing officers, OR

2. From a list of qualified hearing officers certified by the Civil Service Commission, such list to be kept current and to contain at all times at least three (3) names.

D. Hearing Officer - Method of Selection

The Civil Service Commission shall certify its list of hearing officers by the following method:

1. The Commission shall cause to be published in a newspaper of general circulation an announcement of openings for hearing officers. This announcement shall run either for a period of five (5) working days or for two (2) weekends at the discretion of the Commission.

2. The Commission shall include in its list only such applicants as to satisfy the following criteria:

a. Have at least one (1) year of experience in the conduct of judicial hearings in the capacity of a hearing officer.

b. Have experience in the resolution of disputes involving the interpretation of labor-management contracts.

3. The Civil Service Commission shall post the list of panel members so selected for a period of five (5) working days during which time employees, public employee organizations or city departments may seek to demonstrate in writing that any member of the panel is unacceptable. The General Manager, Personnel, shall review such challenges and shall determine whether on the basis of the challenge the individual should be eliminated from the approved list.

E. Hearing Officer - Challenge of Employee

The employee may challenge the competence of the hearing officer who is scheduled to hear the employee's case on the basis that the officer is in some demonstrable manner biased or prejudiced against the employee and that, therefore, the employee will not be afforded a fair hearing. The challenge must be made in the following manner:

1. The challenge must be by written affidavit;

2. The challenge must be received by the appointing officer at least twenty-four (24) hours prior to the commencement of the hearing;

3. Should the challenge cause the department to incur expense through the cancellation of the hearing officer, shorthand reporter, etc., such expenses shall be borne by the employee in keeping with the section on costs below. If the employee has been placed on suspension pending the hearing, any delay in the hearing occasioned through challenge or replacement of a hearing officer shall be considered a delay of the hearing by act of the accused employee and shall extend indefinitely the thirty-day period referred to in Charter Section 8.341. In the event that the appointing officer shall determine that the hearing officer cannot afford the employee a fair hearing, the appointing officer shall immediately make arrangements to obtain the services of another hearing officer in accordance with the methods stated above.

F. Hearing Officer - Evidence to be Considered

The hearing officer shall decide the case on the basis of the evidence presented. The hearing officer shall determine whether the accused employee has adhered to the applicable orders, rules, regulations, ordinances, charter provisions, or applicable sections of any Memoranda of Agreement or Memoranda of Understanding. The hearing officer shall be prohibited from considering the relative merits or social desirability of such orders, rules, regulations, ordinances, charter provisions or sections of Memoranda of Agreement or Memoranda of Understanding as may be applicable to the case.

G. Hearing Officer - Decision

Within five (5) working days of the close of the hearing, unless specifically exempted for good cause by the appointing officer, the hearing officer shall notify the appointing officer in writing of a decision in the case. The hearing officer shall be limited to the following options in deciding the case:

1. The hearing officer may exonerate the employee in which case the record may, at the discretion of the hearing officer, be expunged and the employee may receive back pay for all time lost.

2. The hearing officer may find the employee guilty as charged, in which case the following three provisions apply:

a. The hearing officer may order the employee returned to work but without back pay for any time not worked between the time charges were made and the time of the hearing or the time the hearing officer renders a decision, whichever is longer.

b. The hearing officer may suspend the employee without pay but may not at her/his discretion, order back pay for any periods not worked prior to the hearing.

c. The hearing officer may dismiss the employee.

H. Notification of Decision of Hearing Officer

Within five (5) working days after the appointing officer receives written notification of the decision of the hearing officer, the appointing officer shall inform the employee in writing of the decision of the hearing officer and shall, by copies of this correspondence and the written notification from the hearing officer, inform the Civil Service Commission of the decision and the action taken.

I. Costs

The department bringing charges against an employee shall pay all fees for hearing officers and court reporters, and, if required, the cost of preparation of the transcript with the following exception:

If additional costs are incurred as a result of any request of the employee (such as costs occasioned by the untimely postponement of a hearing, challenges of hearing officer, etc.), all such additional costs, such as cancellation fees or fees when court reporters cannot be notified of the cancellation of a hearing within their established and customary limits, shall be borne by the employee.

MEMORANDUM

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SEP 22 1992
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F
65
20
1/8/92

DATE: September 18, 1992

TO: Appointing Officers
Department Personnel Officers

FROM: Albert C. Walker
General Manager, Personnel

SUBJECT: **Proposed Amendment to Civil Service Commission Rule 22 - Leaves of Absence, to Provide for the Imposition of Unpaid Administrative Leave (Furlough)**

For your information, printed on the reverse side of this page is a copy of a proposed amendent to Civil Service Commission Rule 22 - Leaves of Absence, to provide for the imposition of unpaid Administrative Leave or furlough.

The Civil Service Commission will post this proposed amendment to its Rules at its meeting of October 5, 1992.

This proposed amendment has been forwarded to the Mayor's Employee Relations Division to commence the meet and confer process with employee organizations.

CIVIL SERVICE COMMISSION

Albert C. Walker
General Manager, Personnel

ACW:sfm

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DOCUMENTS SECTION
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DRAFT

DRAFT

PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE, TO PROVIDE FOR UNPAID ADMINISTRATIVE LEAVE (FURLOUGH)

Section 22.01 LEAVES OF ABSENCE - GENERAL REQUIREMENTS

B. Except for vacation leave, witness/jury duty leave, compulsory sick leave, ADMINISTRATIVE LEAVE or disability leave, an employee requesting a leave for more than five (5) working days shall submit such request to the appointing officer or designee on the form prescribed by the General Manager, Personnel. Requests for sick leave in excess of five (5) continuous working days shall be certified by a licensed medical doctor, doctor of dental surgery, doctor of podiatric medicine, licensed clinical psychologist, Christian Science Practitioner or licensed doctor of chiropractic. Verification of sick leave with pay for less than five (5) working days (seven [7] calendar days in the case of part-time employees) as provided elsewhere in this rule shall be required on an individual basis only and shall be based upon an evaluation of the individual attendance record of an employee.

Section 22.15 ADMINISTRATIVE LEAVE

A. IN ACCORDANCE WITH THE AUTHORITY GRANTED UNDER CHARTER SECTION 3.501, APPOINTING OFFICERS ARE AUTHORIZED TO IMPOSE ADMINISTRATIVE LEAVE WITHOUT PAY ON ANY EMPLOYEE WITHIN THEIR JURISDICTION. THIS RULE SHALL APPLY TO EMPLOYEES OF THE CITY AND COUNTY AND UPON CLASSIFIED EMPLOYEES OF THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT AND THE SAN FRANCISCO COMMUNITY COLLEGE DISTRICT.

B. THE GENERAL MANAGER, PERSONNEL, SHALL ACT ON ALL DISPUTES ARISING OUT OF THE APPLICATION OR IMPLEMENTATION OF THE PROVISIONS OF THIS SECTION. THE DECISION OF THE GENERAL MANAGER, PERSONNEL SHALL BE FINAL AND SHALL NOT BE RECONSIDERED BY THE COMMISSION.

C. ALL ADMINISTRATIVE LEAVES IMPOSED PURSUANT TO THIS SECTION SHALL BE WITHOUT PAY. EMPLOYEES PLACED ON ADMINISTRATIVE LEAVE ARE PRECLUDED FROM USING SICK LEAVE WITH PAY CREDITS, VACATION CREDITS, COMPENSATORY TIME OFF CREDITS, FLOATING HOLIDAYS, TRAINING DAYS OR ANY OTHER FORM OF PAID TIME OFF TO RECEIVE COMPENSATION WHILE ON ADMINISTRATIVE LEAVE.

D. ADMINISTRATIVE LEAVE FOR EMPLOYEES WHO ARE NON EXEMPT UNDER THE FAIR LABOR STANDARDS ACT (FLSA) SHALL BE IMPOSED IN MINIMUM INCREMENTS OF ONE (1) HOUR. ADMINISTRATIVE LEAVE FOR EMPLOYEES WHO ARE EXEMPT UNDER THE FAIR LABOR STANDARDS ACT (FLSA) SHALL BE IMPOSED IN MINIMUM INCREMENTS OF NOT LESS THAN EIGHT (8) HOURS.

E. EMPLOYEES PLACED ON ADMINISTRATIVE LEAVE SHALL BE NOTIFIED IN WRITING AT LEAST FIVE (5) DAYS IN ADVANCE OF THE ADMINISTRATIVE LEAVE.

F. ADMINISTRATIVE LEAVE SHALL REMAIN IN FORCE FOR THE PERIOD SPECIFIED IN THE WRITTEN NOTICE UNLESS SOONER REVOKED BY WRITTEN NOTICE FROM THE APPOINTING OFFICER.

MEMORANDUM

DATE : September 18, 1992

TO : Appointing Officers
Departmental Personnel Officers

FROM : Albert C. Walker
General Manager, Personnel

SUBJECT: MENTOR PROGRAM AT GEORGE WASHINGTON HIGH SCHOOL

The Academy of Business and Computers at George Washington High School is recruiting professionals in diverse areas to serve as role models for its Mentor Program, which links individual students with adult mentors.

A mentor meets with an assigned student at least once every month for a structured activity. The mentor may show his or her jobsite to the student, or be with the student for an hour or two at school, or call the student to provide encouragement and support. At the end of the school year, the mentors will participate in an awards ceremony and/or end-of-the-year picnic.

The high school is specifically attempting to recruit mentors from municipal departments. Various private entities are participating in the program thus far. For example, Wells Fargo Bank has guaranteed fifteen mentors.

According to Mentor Program Coordinator Dawne Lange-Asmar, the program targets "at risk" students; i.e., students who show ability through test scores, or teacher evaluation, that they are able to excel at an average or above average rate in school, but for some reason are not performing up to their potential. Although Washington's teaching methods are within the traditional state curriculum guidelines, the school is trying non-traditional teaching methods such as group work, field trips, speakers, mentors, etc. in order to help develop these students.

If you have questions or would like to set up a meeting, please call Dawne M. Lange-Asmar of George Washington High School at 750-8400, Ext. 3102.

CIVIL SERVICE COMMISSION

Albert C. Walker
General Manager, Personnel

1545B

MEMORANDUM

No. 93-2

DATE: January 15, 1993

TO: Appointing Officers
Departmental Personnel Officers

FROM: Albert C. Walker
General Manager, Personnel

SUBJECT: **Implementation of Proposition C (November 1991 ballot) - Proposed Changes to various Civil Service Commission Rules**

At its meeting of October 5, 1992, the Civil Service Commission posted the following Civil Service Commission Rules for amendment in implementation of Proposition C (November 1991 ballot):

Rule 2	-	Definitions (amend)
Rule 6	-	Separation Hearings and Procedures (amend)
Rule 6A	-	Dismissal During Probation Period (delete)
Rule 8	-	Applicants (delete current rule; adopt new rule)
Rule 8A	-	Qualifications of Applicants (delete)
Rule 9	-	Examinations (delete current rule; adopt new rule)
Rule 9A	-	Examination of Applicants (delete)
Rule 9B	-	Protest of Written Questions and Answers (delete)
Rule 9C	-	Veterans Preference in Examinations (no change to text; renumber to 9A)
Rule 9D	-	Promotive Examinations for Employees on Military Leave (no change to text; renumber to 9B)
Rule 10	-	Eligible Lists (delete current rule; adopt new rule)
Rule 10A	-	Protest of Tentative List of Eligibles (delete)
Rule 10B	-	Duration of Lists of Eligibles (delete)
Rule 12	-	Appointments (amend)
Rule 12A	-	Limited Tenure Appointments (delete)
Rule 12B	-	Temporary and Emergency Appointments (delete)
Rule 16	-	Probationary Period (amend)
Rule 32	-	Layoff and Involuntary Leave (amend)

Attached is a copy of the proposed amendments and a summary of the proposed changes.

These proposals have now been forwarded to the Mayor's Employee Relations Division for meet and confer with employee organizations. Currently pending in the meet and confer process are proposed amendments to other Civil Service Commission Rules to implement two other civil service propositions on the November 1991 ballot: Proposition D related to the procedures for the certification of eligibles and Proposition E related to the dismissal of permanent employees.

If there are questions or comments, please call me at 554-4722. If I am unavailable, please call either Cindy Monroe, Sr. Personnel Analyst, at 554-4748; Edgar Poma, Sr. Personnel Analyst, at 554-4723; or Carol Sam, Assistant Secretary, Civil Service Commission, at 554-4747.

CIVIL SERVICE COMMISSION

Albert C. Walker
General Manager, Personnel

Attachment
cc: Carl Bunch, Mayor's Employee Relations Division

MEMORANDUM

DATE: October 5, 1992

TO: Members of the Civil Service Commission

FROM: Albert C. Walker
General Manager, Personnel

SUBJECT: **Implementation of Proposition C (November 1991 election) - Proposed Changes to the Civil Service Commission Rules**

Proposition C at the November 1991 election removed the following ten (10) sections of the City and County Charter and placed them verbatim into the Civil Service Commission Rules:

Former Charter Section	Title	New CSC Rule (Same Title)
8.340	Dismissal Duration Probation Period	(Rule 6A)
8.320	Qualification of Applicants	(Rule 8A)
8.321	Examinations of Applicants	(Rule 9A)
8.322	Protest of Written Questions and Answers	(Rule 9B)
8.324	Veterans Preference in Examinations	(Rule 9C)
8.328	Promotional Examinations for Employees on Military Leave	(Rule 9D)
8.323	Protest of Tentative List of Eligibles	(Rule 10A)
8.330	Duration of Lists of Eligibles	(Rule 10B)
8.331	Limited Tenure Appointments	(Rule 12A)
8.332	Temporary and Emergency Appointments	(Rule 12B)

Staff has been meeting with departmental personnel officials, appointing officers, Civil Service Department staff, staff from the Commission on the Status of Women and others and has received much input and a number of proposals to change the Civil Service Commission Rules.

The following changes to the Civil Service Commission Rules to implement Proposition C are being recommended. These recommendations are reflected in the attached proposed amendments to various Civil Service Commission Rules.

I. PROBATIONARY PERIOD

Recommendations concerning the termination of probationary appointees are currently being negotiated in conjunction with the discussions over implementation of Proposition E - the dismissal of a permanent employee. Consequently, while an important component of Proposition C, the changes to the termination procedure for probationary employees are being processed separately.

Other recommendations are to incorporate the remaining matters of Civil Service Commission Rule 6A not related to termination into Civil Service Commission Rule 16 - Probationary Period. These have to do primarily with the probationary periods of members of the uniformed ranks of the San Francisco Police Department, the San Francisco Fire Department, the Airport Police and the Deputy Sheriff series.

No changes in either the conditions or length of the probationary periods for these classes are recommended at this time. All of the probationary period lengths and other requirements were put into the Charter by popular vote over the last ten years and appear to still be pertinent and acceptable.

As the text of Rule 16 is redrafted to incorporate Rule 6A, the Civil Service Commission policy on the importance of the probationary period as the most critical phase of the selection procedures will be reemphasized and strengthened. Other changes and recommendations include:

1. requiring a probationary period following a transfer of function;
2. requiring a probationary period upon an employee's reinstatement to previous class under certain circumstances;
3. requiring a probationary period for laid off employees being returned to duty in a different department equal to the length of the probationary period required for the class (instead of a flat six (6) months);
4. allowing an extension to a probationary period up to twelve (12) months to allow an employee additional time to secure a license or certificate the employee is required to obtain during the probationary period;
5. authorizing "successive probationary appointment" by mutual agreement by which an employee can repeat the probationary period; and
6. allowing a permanent employee to voluntarily resume probationary status in lieu of dismissal action ("last chance" agreement).

Changes are required to the following Civil Service Commission Rules to modify the probationary period provisions in accordance with staff recommendations:

Rule 6A - Dismissal During Probation Period (delete); and
Rule 16 - Probationary Period (amend).

II. PROVISIONAL EMPLOYMENTS

Staff recommends that there be only one type of provisional appointment, i.e., PROVISIONAL, and not two as currently exist: non-civil service (NCS) and limited tenure (LT).

It is further recommended that provisional appointment be treated for termination purposes as non-civil service (NCS) employees are currently treated, i.e., "at pleasure." Civil service protection should not be accorded to provisional employees such as the termination for "good cause with the approval of the Civil Service Commission" presently extended to limited tenure appointees. In some cases under current provisions, there is more protection for provisionals than is extended to appointees from civil service eligible lists.

There would be one change in the selection process required for provisional employees: the basis would remain on merit and fitness, affirmative action and, if promotive, seniority; however, consideration of "performance appraisal" would be required if the appointment is promotive.

Changes are required to the following Civil Service Commission Rules to adapt the Rules to incorporate staff recommendations requiring provisional employment:

Rule 2 - Definitions (amend);
Rule 6 - Separation Hearings and Procedures (amend);
Rule 12 - Appointments (amend);
Rule 12A - Limited Tenure Appointments (delete);
Rule 12B - Temporary and Emergency Appointments (delete); and
Rule 32 - Layoff and Involuntary Leave (amend).

III. RECRUITMENT AND SELECTION

A. EXAMINATION ANNOUNCEMENTS AND APPLICANTS

No substantive changes to the existing practices governed by Rule 8 are being recommended. However, substantial amendments to Rule 8 in the form of an equal employment opportunity statement and policy are recommended to both the provisions governing examination announcements and the provisions on applicants. This would include a provision that the General Manager, Personnel review each applicant pool to insure inclusiveness. The General Manager, Personnel would be empowered in instances of underrepresentation to take action such as extending or reopening the application period or cancelling the examination.

Changes to the following Civil Service Commission Rules are required:

Rule 8 - Applicants (delete current rule; adopt new rule); and
Rule 8A - Qualifications of Applicants (delete)

B. EXAMINATIONS

The following changes to the Civil Service Commission Rule 9 governing examinations are recommended:

1. Include an equal employment opportunity policy and statement as a preface to the Rule;

2. Reorganize and recodify this rather lengthy Rule into a series of "Articles" as follows and reallocate sections accordingly in a more logical fashion:

Article I - Equal Employment Opportunity Policy
Article II - General Provisions
Article III - Cheating and Fraud
Article IV - Written Examinations
Article V - Other Selection Tests
Article VI - Flexible Staffing
Article VII - Rating in Promotional Examinations in the Uniform Ranks of the Police and Fire Departments;

3. Structure the examination process so that appeals must be made at the conclusion of each stage of the process and not at the time the eligible list is posted and scores and ranks are known;

4. Strengthen and clarify the section dealing with cheating and fraud;

5. Give the General Manager, Personnel more latitude in determining the number of persons to be admitted to the examination and the final number of eligibles on the resultant list;

6. Add provisions enabling real "Flexible Staffing" programs. These provisions will include parameters for the General Manager, Personnel to use in establishing such a program; and

7. Modernize and expand Rule 9 to incorporate provisions for the use of contemporary selection procedures such as assessment centers.

Changes are required to the following Civil Service Rules to accomplish the above recommendations:

Rule 9	-	Examinations (delete current rule; adopt new rule);
Rule 9A	-	Examination of Applicants (delete);
Rule 9B	-	Protest of Written Questions and Answers (delete);
Rule 9C	-	Veterans Preference in Examinations (no change to text; renumber to 9A); and
Rule 9D	-	Promotive Examinations for Employees on Military Leave (no change to text; renumber to 9B).

C. ELIGIBLE LISTS

Changes regarding Rule 10 - Eligible Lists, being recommended include:

1. introducing the concept of the "continuous" or moving list to the solitary existing scheme of the "discrete" list. With continuous lists, tenure of eligibles will go with the eligible not the list;

2. The existing minimum and maximum duration of eligible lists of at least two (2) years and up to four (4) years is recommended for change. The establishment of the duration of discrete eligible lists or the tenure of an eligible on a continuous list is delegated to the General Manager, Personnel with a minimum duration of six (6) months;

3. The General Manager, Personnel would be empowered to extend an eligible list or an eligible's eligibility for up to one (1) additional year;

4. The General Manager, Personnel would be permitted to cancel a list after a minimum period of six (6) months;

5. Appeals at the time an eligible list is posted are restricted exclusively to clerical errors or to challenges of eligibles' qualifications. The posting of the Eligible List, when rank and score are known, would no longer precipitate a rash of protests over some aspect of the selection procedure, some of which occurred months prior to the posting of the Eligible List.

6. The General Manager, Personnel would be empowered to merge older lists with newer lists.

To implement to staff recommendation regarding Eligible Lists, the following changes to the Civil Service Rules are required:

10 - Eligible Lists (delete current rule; adopt new rule);
10A - Protest of Tentative List of Eligibles (delete); and
10B - Duration of Lists of Eligibles (delete)

Respectfully submitted.

CIVIL SERVICE COMMISSION

Albert C. Walker
General Manager, Personnel

Attachment

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

RULE 2

DEFINITIONS

Unless otherwise required by the context, the words herein listed and as used in these Rules have the following meaning.

Section 2.01. APPOINTMENT

A. PERMANENT	An appointment made as a result of a certification from an eligible list to a permanent position or to a position declared permanent.
B. PROBATIONARY	Status of employees during a trial period following permanent appointment.
C. TEMPORARY	An appointment made to a temporary position as a result of certification from an eligible list.
D. PROVISIONAL	
~~1. NON-CIVIL SERVICE~~	An appointment to a permanent or temporary position in the absence of an available eligible or in an emergency which, in either case, is time limited ~~to a maximum duration~~ as provided elsewhere in these Rules.
~~2. LIMITED TENURE~~	~~An appointment to a permanent or temporary position in the absence of an available eligible. Use of limited tenure appointment is restricted as provided in these Rules.~~

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

Section 2.22. SENIORITY

A. CIVIL SERVICE

1. PERMANENT — Seniority shall be determined by the date of certification which resulted in a permanent appointment to a position in a class in a department. In the event of identical dates, seniority shall be determined by rank on the eligible list, the higher eligible being the senior.

2. TEMPORARY (from eligible list) — Seniority shall be determined by the date of certification which resulted in a temporary appointment to a temporary position in a class in a department. In the event of identical dates, seniority shall be determined by rank on the eligible list, the higher eligible being the senior.

~~3. LIMITED TENURE~~ — ~~Seniority shall be determined by the date an appointee starts to work in a position in a class in a department on a limited tenure basis. Seniority in the event of ties shall be determined by the appointing officer. Employees who resign or are terminated and subsequently are reappointed shall have their seniority determined by their new dates of certification following separation.~~

B. DEPARTMENTAL — Seniority for shift and work assignments, vacation or holiday schedule is determined by the appointing officer and is not within the authority of the Civil Service Commission.

Proposed Amendments to the Civil Service Commission Rules

Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

Section 2.18. NEAR LIST

An eligible list or a holdover roster in a class similarly related to a class for which there is no eligible list from which the General Manager, Personnel, may authorize the certification of eligibles for temporary civil service appointment.

Section 2.~~18.~~ 19 ~~PERSONNEL~~ CIVIL SERVICE DEPARTMENT

The administrative office of the Commission under the direction of the General Manager, Personnel.

Section 2.~~19.~~ 20 POSITION

Duties and responsibilities assigned by an appointing officer to be performed by one employee.

A. PERMANENT

A collection of duties, regardless of the source and nature of the funds, performed by one individual, which ~~duties~~ represent the ongoing work of the City and County. Such position(s) may be either, 1) enumerated in the Annual Salary Ordinance or Salary Resolution of the School Districts for which funds have been provided on a continuing basis; or 2) a position declared to be permanent by action of the Commission under authority of Section 8.329 of the Charter.

B. TEMPORARY

A position in which the duties and responsibilities exist for a maximum duration of 1040 hours except in the case of a special project, defined elsewhere in these Rules, for up to a maximum duration of 2080 hours.

C. PART-TIME

Positions less than the established full-time normal schedule of hours per day or days per week.

D. EXEMPT

Temporary or permanent positions exempted from being filled from eligible lists in accordance with the provisions of Section 8.300 of the Charter.

E. SCHOOL-TERM ONLY

Positions in the School Districts established for school term periods only.

Section 2.~~20.~~ 21 POST

To place on the official Bulletin Board of the Commission.

Proposed Amendments to the Civil Service Commission Rules

Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

Section 2.~~21.~~ 22 SCHOOL DISTRICTS	San Francisco Unified School District and San Francisco Community College District.
Section 2.~~22.~~ 23 SENIORITY	
A. CIVIL SERVICE	
1. PERMANENT	Seniority shall be determined by the date of certification which resulted in a permanent appointment to a position in a class in a department. In the event of identical dates, seniority shall be determined by rank on the eligible list, the higher eligible being the senior.
2. TEMPORARY (from eligible list)	Seniority shall be determined by the date of certification which resulted in a temporary appointment to a temporary position in a class in a department. In the event of identical dates, seniority shall be determined by rank on the eligible list, the higher eligible being the senior.
~~3. LIMITED TENURE~~	~~Seniority shall be determined by the date an appointee starts to work in a position in a class in a department on a limited tenure basis. Seniority in the event of ties shall be determined by the appointing officer. Employees who resign or are terminated and subsequently are reappointed shall have their seniority determined by their new dates of certification following separation.~~
B. DEPARTMENTAL	Seniority for shift and work assignments, vacation or holiday schedule is determined by the appointing officer and is not within the authority of the Civil Service Commission.
Section 2.~~23.~~ 24 SERVICE	The City and County of San Francisco government service, including the classified positions in the School Districts.
Section 2.~~24.~~ 25 START WORK DATE	The date on which an appointee is first reported on the timeroll as working.
Section 2.~~25.~~ 26 TIME PERIODS	Reference to time periods, such as one week or one month, etc., shall mean calendar days unless the Rule specifically refers to working days.
Section 2.~~26.~~ 27 VALIDATION DATE	The date on which the Civil Service Commission notifies an appointing officer that it has approved an appointment.

Proposed Amendments to the Civil Service Commission Rules

Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

RULE 6

SEPARATION HEARINGS AND PROCEDURES EXCLUDING DISCIPLINARY ACTION AGAINST STRIKING EMPLOYEES UNDER CHARTER SECTION 8.346.

Section 6.01. RULES OF PROCEDURE GOVERNING SEPARATION HEARINGS

(a) Procedures governing the following employees:

1. Temporary from a List
~~2. Limited Tenure~~
~~3.~~ 2. Probationary Entrance
~~4.~~ 3. Probationary Promotive
~~5.~~ 4. Dismissal of Permanent

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

Section 6.03. Deleted (DATE OF CSC ACTION DELETING THIS SECTION)

~~PROCEDURE FOR TERMINATION OF LIMITED TENURE EMPLOYEE~~

~~A. A limited tenure employee may be terminated for good cause by an appointing officer at any time with the approval of the Commission. The notification and hearing procedure shall be in accordance with the provisions of Rule 6, Section 6.01.~~

~~B. The Commission shall take one or more of the following actions:~~

~~1. Approve the termination and declare the person dismissed from the service.~~

~~2. Order the name of the person removed from any regular eligible list or lists on which the person may have standing.~~

~~3. Restrict future employment as it deems appropriate.~~

~~4. Disapprove the termination and reinstate the person to the department.~~

RETAIN EXISTING NUMBERING OF BALANCE OF RULE

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

RULE 6A
DISMISSAL DURING PROBATION PERIOD

Incorporating Charter Section 8.340 into
the Civil Service Commission Rules
Pursuant to Charter Section
8.320-1 Incorporating Former Charter Provisions
(Proposition C - November 5, 1991 Election)

~~Section 6A.01 REQUIREMENT FOR PROBATIONARY PERIOD~~

~~Any person appointed to a permanent position shall serve a probationary period.~~

~~Section 6A.02 DURATION OF PROBATIONARY PERIOD~~

~~(a) The civil service commission shall by rule establish a probationary period of not less than six months' service and up to a maximum of 12 months' service for each classification,~~

~~(b) provided that the probationary period for entrance positions in the uniformed rank of the police department, fire department, and San Francisco International Airport police force shall be for 12 months except that, with respect to members of the uniformed ranks of the police department, the probationary period shall be completed after 12 months' service from the day following completion of the prescribed department field training officer program, but in no case to exceed 84 weeks from the date of appointment;~~

~~(c) provided further that probationary members of the uniformed ranks of the police department charged with breach of duty or misconduct shall be afforded the procedural rights set forth in [Charter] Section 8.343 for such charges.~~

~~(d) With respect to members of the uniformed ranks of the sheriff's department the probationary period shall be completed 18 months after the date of hire.~~

~~Section 6A.03 PROBATIONARY PERIOD FOR EXECUTIVE AND MANAGEMENT CLASSES~~

~~Probationary periods of 12 months and up to a maximum of 24 months may be established for executive and management classifications.~~

Section 6A.~~04~~ 01 TERMINATION DURING THE PROBATIONARY PERIOD

(a) Procedure for Termination

At any time during the probationary period the appointing officer may terminate the appointment upon giving written notice of such termination to the employee and to the Civil Service Commission specifying the reasons for such termination.

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

(b) Requirement for Commission Review

Except in the case of members of the uniformed ranks of the Police and Fire Departments, the Civil Service Commission shall review the termination. The Civil Service Commission shall by rule establish the procedures for such review.

(c) Termination of Entrance Probationary Period

If the appointment resulted from an entrance examination the Commission may declare such person dismissed or may return the name to the eligible list under such conditions for further appointment as the Commission may deem just.

(d) Termination of Promotive Probationary Period

If the appointment resulted from a promotional examination the employee shall have the right of appeal and hearing before the Civil Service Commission. The Commission shall render a decision within 30 days after receipt of the notice of termination and

(i) may declare such person dismissed; or

(ii) order such person reinstated to the position without prejudice, and the commission may in its discretion order that the employee be paid salary from the time of the termination of the appointment; or

(iii) order the return of such person to a position in the class from which that person was promoted and may reestablish the employee's eligibility to an eligible list for the same promotive class under such conditions as the Commission may deem just.

(e) Finality of Commission's Decision

The decision of the Commission shall be final.

~~Section 6A.05 CERTIFICATION OF PROBATIONARY APPOINTEE'S COMPETENCY~~

~~Immediately prior to the expiration of the probationary period the appointing officer shall report to the civil service commission as to the competence of the probationer for the position, and if competent, shall recommend permanent appointment.~~

Section 6A.~~06~~ 02 COMMISSION AUTHORITY TO REVIEW ALL PROBATIONARY TERMINATIONS

Nothing in this [Rule] shall preclude the Civil Service Commission from reviewing terminations for the purpose of future employability including terminations in the uniformed ranks of the Police and Fire Departments.

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

Rule 8

Examination Announcements and Applicants

ARTICLE I
EQUAL EMPLOYMENT OPPORTUNITY POLICY

SECTION 8.01 **CIVIL SERVICE COMMISSION EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY RELATED TO EXAMINATION ANNOUNCEMENTS AND APPLICATION PROCEDURES**

It is the goal and policy of the Civil Service Commission to achieve a work force that is fully reflective of the multicultural, ethnic and gender diversity of the City and County of San Francisco. The General Manager, Personnel shall conduct outreach for the purpose of announcing upcoming examinations. Outreach shall include such procedures among others as periodic mailings, job fairs, and presentations to inform the public of the employment opportunities and the examination process within civil service.

ARTICLE II
EXAMINATION ANNOUNCEMENTS

SECTION 8.02 **EXAMINATION ANNOUNCEMENTS**

The examination announcement shall be the official notice of an examination and shall provide the qualifications, dates, and other particulars regarding the selection procedure. Applicants must be guided solely by the terms of the examination announcement.

SECTION 8.03 **PROMOTIONAL EXAMINATIONS**

Examination announcements for a promotional examination shall be posted on the official Civil Service Department bulletin board for a minimum period of ten (10) calendar days. Examination announcements for promotional examinations shall be distributed to all City and County departments. Appointing officers shall make reasonable efforts to properly notify employees.

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

SECTION 8.04 APPEALS OF EXAMINATION ANNOUNCEMENTS

Appeals concerning the provisions of an examination announcement must be received by the General Manager, Personnel within five (5) business days from the issuance date. The General Manager, Personnel shall rule on all appeals and shall notify appellants in writing of the decision. This decision is subject to appeal to the Commission as provided elsewhere in these Rules.

SECTION 8.05 REISSUANCE OF EXAMINATION ANNOUNCEMENTS

After considering appeals submitted under these Rules, the General Manager, Personnel may reissue an examination announcement. When reissued, an examination announcement is not open to appeal.

SECTION 8.06 CORRECTION OF EXAMINATION ANNOUNCEMENTS

Examination announcements may be corrected by the General Manager, Personnel with respect to clerical errors, misprints, and incorrect wording by posting notice of such corrections next to the original examination announcement on the official Civil Service Department bulletin board. When examination announcements are corrected under the provisions of this section, additional time shall not be allowed for the protest or appeal of the substantive provisions contained in the original announcement.

ARTICLE III
APPLICANTS

SECTION 8.07 RECRUITMENT OF APPLICANTS

Recruitment shall be conducted to attract qualified applicants and to maximize the multicultural, ethnic, and gender diversity of the work force in the City and County of San Francisco. Where appropriate or needed, the General Manager, Personnel shall conduct targeted outreach and recruitment programs, including cooperative efforts with community organizations, to attract qualified members of underrepresented groups.

SECTION 8.08 DEFINITION OF AN APPLICANT

An applicant is a person who has filed an application for examination within the time limits or conditions specified on the examination announcement.

Proposed Amendments to the Civil Service Commission Rules

Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

SECTION 8.09 QUALIFICATIONS OF APPLICANTS

A. Every applicant for an examination must possess and maintain the qualifications required by law and by the examination announcement. Experience gained in violation of a Commission Rule shall not be recognized. City and County employees shall receive credit only for the duties of their class. Credit for experience obtained outside of the employee's class will only be allowed if recorded in accordance with the provisions of these Rules.

B. Except with permission of the General Manager, Personnel, no employee may participate in an entrance examination carrying a lower salary schedule than that of the employee's current class nor for a class in which the employee has current permanent appointment.

SECTION 8.10 REVIEW OF APPLICANT POOL DEMOGRAPHICS

When there is underrepresentation of an ethnic or gender group for a specific class or occupational category, the General Manager, Personnel shall review the ethnic and gender demographics of the pool of qualified applicants. Where the pool of applicants does not reflect the demographics of the relevant labor market, and upon consideration of factors such as the number of anticipated vacancies and the level of underrepresentation, the General Manager, Personnel may take such action as appropriate such as extending the filing period, reopening the examination for filing, or cancelling the examination.

SECTION 8.11 APPLICANTS FOR ENTRANCE POSITIONS — UNIFORMED FORCE OF FIRE DEPARTMENT

Applicants for entrance positions in the uniformed force of the Fire Department shall not be less than 19 years of age at the time of taking the examination, nor less than 20 years of age at the time of appointment.

SECTION 8.12 APPLICANTS FOR ENTRANCE POSITIONS — UNIFORMED FORCE OF POLICE DEPARTMENT

Applicants for entrance positions in the uniformed force of the Police Department shall not be less the 20 years of age at the time of taking the examination, nor less than 21 years of age at the time of appointment.

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

SECTION 8.13 PROMOTIONAL APPLICANTS EXCEPT FOR MEMBERS OF THE UNIFORMED RANKS OF THE POLICE AND FIRE DEPARTMENTS

Applicants for promotive only or combined promotive and entrance examinations shall meet the requirements of the examination announcement under which they apply. If otherwise qualified, civil service employees with permanent, probationary, certified temporary from a list or holdover status and who have had six (6) months of verifiable satisfactory experience in any class in any status (including provisional) qualify promotionally.

SECTION 8.14 PROMOTIONAL APPLICANTS IN THE UNIFORMED RANKS OF THE POLICE AND FIRE DEPARTMENTS.

Promotional applicants in the uniformed ranks of the Police and Fire Departments are governed by the provisions of Charter Section 8.327.

SECTION 8.15 CHANGE OF ADDRESS

In all cases of change of address, the Civil Service Department must be notified in writing separately for each class involved. Notice of change of address to the post office and/or an employee's current department only will not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits.

SECTION 8.16 CUSTODY OF EXAMINATION APPLICATIONS

Examination applications and supporting documents become the property of the Civl Service Department when received. Return of such documents shall require the approval of the General Manager, Personnel.

SECTION 8.19 NAMES NOT TO BE MADE PUBLIC

Except as otherwise authorized by the General Manager, Personnel, neither the names of participants who fail in any examination nor the names of applicants for any examination shall be made public until the tentative eligible list is posted.

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

~~RULE 8~~
~~APPLICATIONS AND NOTICE OF EXAMINATIONS~~

~~Section 8.01. QUALIFICATIONS OF APPLICANTS~~

~~A. Every applicant for entrance or promotional examination must possess and maintain the qualifications required by law and by the announcement of the examination for which applied. Experience gained in violation of a Commission Rule will not be recognized. It is the responsibility of the appointing officer and of the employee to have experience outside of class recorded in accordance with Rule 26, Section 26.01(H).~~

~~B. Except with permission of the General Manager, Personnel, no employee may participate in an entrance examination carrying a lower salary schedule than that of the employee's current class. No employee may participate in an examination for a class in which the employee has current permanent appointment status except with the approval of the General Manager, Personnel.~~

~~Section 8.02. TIME FOR FILING~~

~~An applicant is a person who has filed an application for examination within the time limits specified in the announcement of the examination for which the applicant applied. Verification shall be the official time receipt of the Civil Service Department or postmark. Examination announcements shall not be distributed after the end of the filing period.~~

~~Section 8.03. NOTICE OF EXAMINATIONS~~

~~Official notice of examinations will be posted on the Bulletin Board of the Commission. Notice of promotional examinations will be posted for a minimum period of ten (10) calendar days as required by the Charter. Requests(s) for notice of filing dates for entrance examinations may be filed in the Civil Service Department. Notification cards shall be mailed at the inquirer's risk.~~

~~Section 8.04. ADDITIONAL NOTICE OF PROMOTIONAL EXAMINATIONS~~

~~Notices of promotional examinations shall be distributed to the appropriate departments. Appointing officers shall employ any method of distribution to insure that employees are properly notified.~~

~~Section 8.05. APPLICATION CUSTODY~~

~~Applications and supporting documents become the property of the Commission when received. Return of such documents shall require the approval of the General Manager, Personnel.~~

Proposed Amendments to the Civil Service Commission Rules

Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

~~Section 8.06. FALSE STATEMENTS BY APPLICANTS~~

~~Significant false statements, whether intentional or unintentional, made or permitted by any applicant on the application or in the qualifications appraisal interview shall be good cause for the exclusion by the Commission of such person from any examination, the removal of the applicant's name from the eligible list and may be good cause for removal or discharge from the City and County service.~~

~~Section 8.07. NAMES NOT TO BE MADE PUBLIC~~

~~The names of applicants for any examination shall not be made public prior to announcement of the results of the examination. Names of participants who fail in any examination shall not be made public.~~

~~Section 8.08. CHANGE OF ADDRESS~~

~~In all cases of change of address, the Civil Service Department must be notified in writing separately for each class involved. Notice of change of address to the post office and/or the employess's current department only will not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits.~~

~~Section 8.09. CORRECTION OF EXAMINATION ANNOUNCEMENTS~~

~~Examination announcements may be corrected with respect to clerical errors, misprints and incorrect wording by the General Manager, Personnel, by posting notice of such corrections next to the original announcement on the Bulletin Board of the Commission. The issuance of examination announcements corrected under the provisions of this section shall not allow additional time for protest or appeal of the substantive provisions contained in the original announcement.~~

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

~~RULE 8A~~

~~QUALIFICATIONS OF APPLICANTS~~

~~Incorporating Charter Section 8.320 into~~
~~the Civil Service Commission Rules~~
~~Pursuant to Charter Section~~
~~8.320-1 Incorporating Former Charter Provisions~~
~~(Proposition C – November 5, 1991 Election)~~

~~Section 8A.01~~ ~~APPLICATION FOR EXAMINATION~~

~~Any person having the qualifications prescribed by Section 8.100 of [the] charter may submit himself or herself for any examination under conditions established by the civil service commission.~~

~~Section 8A.02~~ ~~APPLICANTS FOR ENTRANCE POSITIONS UNIFORMED FORCE OF FIRE DEPARTMENT~~

~~Applicants for entrance positions in the uniformed force of the fire department shall not be less than 19 years of age at the time of taking the examination, nor less than 20 years of age at the time of appointment.~~

~~Section 8A.03~~ ~~APPLICATION FOR ENTRANCE POSITION UNIFORMED FORCE OF POLICE DEPARTMENT~~

~~Applicants for entrance positions in the uniformed force of the police department shall not be less than 20 years of age at the time of taking the examination, nor less than 21 years of age at the time of appointment.~~

~~Section 8A.04~~ ~~RECRUITMENT OF CANDIDATES~~

~~The commission shall advertise and may take further appropriate means to interest suitable applicants.~~

~~Section 8A.05~~ ~~NOTICE OF PROMOTIONAL EXAMINATIONS~~

~~When examinations for promotion are to be held, the commission shall give notice thereof to all persons in positions entitling them under the civil service rules, to participate in such examination, by posting information thereof in the office of the commission for a period of 10 days and notifying the office, agency, or department concerned.~~

Proposed Amendments to the Civil Service Commission Rules
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Rule 9

Examinations

ARTICLE I
EQUAL EMPLOYMENT OPPORTUNITY POLICY

SECTION 9.01 **CIVIL SERVICE COMMISSION EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY RELATED TO THE CONDUCT OF EXAMINATIONS**

A. It is the policy of the Civil Service Commission that job-related criteria, without regard to relationship, race, religion, sex, national origin, ethnicity, age, disability, political affiliation, sexual orientation, ancestry, marital status, color, medical condition or other non-merit factors, be utilized in establishing minimum qualification requirements and developing examination procedures.

B. The General Manager, Personnel shall make every effort to ensure the representation of women and minorities on examination boards, panels and screening committees.

ARTICLE II
GENERAL PROVISIONS

SECTION 9.02 **GENERAL MANAGER, PERSONNEL EMPOWERED TO ACT**

The General Manager, Personnel, shall rule on all matters concerning the examination program in accordance with these Rules.

SECTION 9.03 **REQUIREMENT TO CONDUCT EXAMINATIONS**

A. Except for reasons beyond the Commission's control, the Commission shall immediately commence to conduct an examination whenever a provisional or near-list appointment is made to a permanent position.

B. Except for reasons beyond the Commission's control, the Commission will make every attempt, on a priority basis, to commence work required to conduct examinations at least sixty (60) days prior to expiration of an eligible list where there is a demonstrated need for continuing appointments to such class.

Proposed Amendments to the Civil Service Commission Rules
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added language indicated by shaded area.

C. Where possible, the General Manager, Personnel, or designee and bargaining representative shall meet in advance to determine which classes require eligible lists on a continuing basis.

SECTION 9.04 REQUIREMENT FOR COMPETITIVE EXAMINATIONS

All applicants for positions in the classified service shall submit to examinations which shall be competitive provided, however, that no examination shall be deemed to be competitive unless three or more persons shall participate. However, any such examination may be held for less than three qualified applicants with the approval of the Civil Service Commission after a finding that reasonable publicity of the proposed examination has been given.

SECTION 9.05 EXAMINATIONS WITHOUT CHARGE

Examinations shall be without charge to the applicants.

SECTION 9.06 APPRENTICESHIP POSITIONS

Appropriate rosters of eligibles established by a trade, craft, or occupation joint apprenticeship committee recognized by the State of California Department of Industrial Relations, Division of Apprenticeship Standards, may be utilized to fill apprenticeship positions or as the basis for establishing apprenticeship eligibility lists.

SECTION 9.07 COMMISSION SOLE JUDGE OF ADEQUACY OF EXAMINATIONS

The Commission shall be the sole judge of the adequacy of the examination to rate the capacity of the applicants to perform service for the City and County.

SECTION 9.08 ESTABLISHING CUTOFF SCORES AND NUMBER ON ELIGIBLE LISTS

For each selection procedure, the General Manager, Personnel shall establish a cutoff or passing score and shall determine the number of persons who shall constitute the eligible list based on the needs of the Service, equal employment opportunity principles and affirmative action goals. Once established, the cutoff score shall not be changed.

Proposed Amendments to the Civil Service Commission Rules
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added language indicated by shaded area.

ARTICLE III
CHEATING AND FRAUD

SECTION 9.09 CHEATING OR FRAUD IN EXAMINATIONS

It is the policy of the Civil Service Commission that examinations shall be conducted in a fair and impartial manner in order to test fairly the relative qualifications, merit, and fitness of applicants. Any person cheating, attempting to cheat or assisting other persons in cheating in any phase of the examination process shall be prosecuted to the full extent of the Charter and other laws. Actions to be taken include elimination from the examination process, dismissal, and ineligibility for future employment. Cheating shall include the use or attempted use of materials not authorized by the scheduling notice to candidates to report for the examination. Significant false statements by applicants on the application or during the selection process shall be good cause for the exclusion of such person from the examination and such other appropriate action as may be recommended by the General Manager, Personnel.

SECTION 9.10 COPYING OF EXAMINATION–RELATED MATERIALS

The copying or the making of notes or outlines of examination–related materials is prohibited.

ARTICLE IV
WRITTEN EXAMINATIONSN OTHER THAN ESSAY QUESTIONS

SECTION 9.11 RATING KEYS — WRITTEN EXAMINATIONS OTHER THAN ESSAY QUESTIONS

A. Written examinations other than essay questions are defined as those tests which present answers that may be available for inspection. Typical formats of written examinations include multiple-choice, true-false, or fill-in.

B. The examination booklet in written examinations, if not exempted from inspection privileges, shall state the time period where participants in an examination may review the rating key to be used for scoring. No changes in the rating key shall be made after the passing score has been established.

Proposed Amendments to the Civil Service Commission Rules
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added language indicated by shaded area.

C. Inspection of the rating key is for the purpose of determining if any of the questions asked or answers are ambiguous, incorrect, or improper. Appeals concerning the rating key must be completed in the inspection room on forms supplied by the Civil Service Department. Appeals must include substantiating data or authoritative references. If any appeals have been filed, an additional period for review of appeals and submission of counter-appeals will be provided. The General Manager, Personnel shall act on all appeals. The decision of the General Manager, Personnel shall be final.

D. Inspection privileges shall not apply to questions and answers in a continuous or standardized examination. The General Manager, Personnel may delete obsolete or erroneous questions or answers from any examination exempted by this Rule for inspection privileges prior to the establishing of a passing mark.

SECTION 9.12 INSPECTION OF RATING KEYS BY REVIEW COMMITTEE

A. The examination announcement may provide for review of questions and answers by a review committee in those examinations where large numbers of appeals might be anticipated on the basis of past experience, or where there is an immediate need for appointees in the class involved. Such review committee shall be composed of three (3) or more persons expert in the field of subject matter covered by the examination. For such examinations in the uniformed ranks of the Police and Fire Departments or other uniformed forces, the members of the Committee shall be appointed by the General Manager, Personnel, from among a panel of five (5) officers submitted by the appointing officer of the concerned department and shall hold permanent rank not less than that of the class for which the examination is being held.

Proposed Amendments to the Civil Service Commission Rules
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added language indicated by shaded area.

B. The review of the rating key shall begin simultaneously with the holding of the examination and shall be completed in one session. The recommendations of the review committee with respect to questions or answers which they believe to be ambiguous, incorrect, or improper shall be submitted to the General Manager, Personnel, for approval. The rating key when approved by the General Manager, Personnel, shall be made available for review by participants in the examination for a minimum period of two (2) days. The time allowed for such review may be extended if in the judgment of the General Manager, Personnel, the number of applicants warrants. The participants may appeal to the General Manager, Personnel concerning only those questions or answers where documented claim of significant error is made. The decision of the General Manager, Personnel shall be final. If no appeals are submitted, the approved rating key shall be the official rating key to be used for scoring the examination.

SECTION 9.13 INSPECTION OF PAPERS BY UNSUCCESSFUL CANDIDATES

Where there are remaining parts of an examination, unsuccessful candidates may inspect their papers during a two (2) day period specified by the notice informing them of their scores. Such inspection shall be for the sole purpose of determining that the computation of the score has been accurate.

ARTICLE V
OTHER SELECTION TESTS

SECTION 9.14 ORAL INTERVIEWS & OTHER SELECTION TESTS - DEFINITION & APPEALS

This Rule section shall govern examination procedures such as oral interviews, performance tests, work sample tests, essay questions, and assessment center exercises.

A. Procedures and Practices

1. The orientation of the raters may include a presentation by the department head or departmental representative which includes a description of the class for which the examination is being held, the setting of the class in the department, the critical elements of personal characteristics needed by employees in this class, and related information. The department head or representative shall not discuss any candidate with any rater at this time or any other time prior to the completion of the examination.

Proposed Amendments to the Civil Service Commission Rules

Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

2. No fraternal rings, organization pins or insignia of any kind shall be displayed by any rater.

3. No rater shall rate a candidate who is related to that person or rate a candidate if any strong personal association exists between that candidate and the rater so that it would be difficult to make an impartial rating. If possible, the excused rater shall be replaced by an alternate with similar qualifications.

4. Raters may only consider relevant documents from candidates that are required by the scheduling notice.

5. Uniform standards shall be applied to every candidate in each examination. The minimum passing rating must be related to a class, not to a single position within a multiple-position class, unless specified by the examination announcement.

6. Applicants shall not be questioned regarding their race, religion, sex, national origin, ethnicity, age, disability, political affiliation, labor affiliation, sexual orientation, ancestry, marital status, color, medical condition (cancer related) or other non-merit factors.

7. Recordings of an examination shall be retained until the eligible list is adopted. A defective recording shall not invalidate the examination unless the General Manager, Personnel finds the omitted or unintelligible material critically relevant to the examination, in which event the General Manager, Personnel may order a new examination.

8. In the event of an appeal that could invalidate the examination, all candidates whose standing in the examination may be affected, shall be notified of the appeal prior to final action being taken.

9. Any violation of the following procedures and practices by candidates may be cause for disqualification:

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

a. No fraternal rings, organization pins or insignia of any kind shall be displayed by any candidate.

b. No candidate shall discuss her or his candidacy or any relationship thereto with any rater prior to the completion of all parts of the examination and the final adoption of the eligible list.

c. Unless expressly directed by the notice to candidates to report for examination, no letters of reference or recommendation, performance evaluations, work samples, work products, awards, certificates, or other materials shall be presented to the raters.

B. Appeals

1. An appeal based on personal bias or competence of a rater shall be made by a candidate to the representative of the Civil Service Department immediately prior to participation in this phase of the examination. The candidate shall then proceed with the examination.

   If such appeal is sustained, the rating by the challenged person shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the unchallenged raters. If more than one-half (½) of the raters are successfully challenged, a new rating board shall be constituted, unless more than one rating board has been convened for the examination, in which case the candidate shall be examined by an alternate rating board of equal number.

2. An appeal based on the conduct of the raters must be made in writing and filed in the office of the Civil Service Department not later than the second (2) business day after the examination was held and must be based on:

   a. a claim of bias, malfeasance, or misfeasance of board members; documented inconsistencies, or any questions propounded by the raters which occur during any examination which require an answer in conflict with any federal, state or city and county laws, rules, or regulations.

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

b. Appeals must state the specific grounds upon which they are based and provide facts which support the allegations. Failure to state the specific grounds for the appeal and provide facts shall nullify the appeal. All appeals properly filed under this section shall be resolved in accordance with the appeal provisions of these Rules.

3. In acting on appeals, only the applications, records, questions and answers which constitute the record of the examination shall be considered. Appeals will only be sustained when the candidate presents evidence that clearly substantiates a charge or charges as to the above listed items.

4. In the absence of an appeal under this section, later appeals shall be precluded.

SECTION 9.15 INSPECTION OF RATINGS BY PARTICIPANTS

1. Composite ratings for examinations administered under this section shall be available for a minimum period of two (2) working days during which period each participant may inspect their own ratings. The identity of the examiner giving any mark or grade shall not be disclosed.

2. Any appeal shall be filed in writing within the inspection period and shall be limited to inconsistencies in examination administration or failure of the raters to apply uniform standards. Appeals must state the specific grounds upon which they are based and provide facts which support the allegations. Failure to state the specific grounds for the appeal and provide facts shall nullify the appeal.

3. All appeals properly filed under this section shall be resolved in accordance with the appeal provisions of these Rules. Appeals shall not be considered merely because candidates believe they are entitled to a higher score. The Commission shall not substitute its judgment for the judgment of the raters. Ratings of less than the minimum passing score shall not be raised to more than the minimum passing score.

4. No evidence or documents shall be presented which were not presented to the raters unless the candidate was denied the opportunity to do so.

5. In the absence of an appeal under this section, later appeals shall be precluded.

Proposed Amendments to the Civil Service Commission Rules
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ARTICLE VI
FLEXIBLE STAFFING

SECTION 9.16 AUTHORIZATION FOR FLEXIBLE STAFFING PROGRAM

The General Manager, Personnel is authorized to establish flexible staffing programs to promote permanent civil service employees past the probationary period to higher classes within an occupational series or to another series by methods other than traditional selection procedures. In establishing a flexible staffing program, the General Manager, Personnel shall consider among other factors length of permanent service, performance appraisal ratings, availability of positions, budgetary restrictions, and affirmative action. The specific procedures and qualifications established shall be listed in the flexible staffing examination announcement for the class(es) involved.

ARTICLE VII
RATINGS IN PROMOTION EXAMINATIONS IN THE UNIFORMED RANKS FIRE AND POLICE

SECTION 9.17 RATING SENIORITY, CLEAN RECORD AND MERITORIOUS PUBLIC SERVICE IN PROMOTIONAL EXAMINATIONS IN THE UNIFORMED RANKS OF THE FIRE AND POLICE DEPARTMENTS

A. When these ratings are provided by Charter or examination announcement, ratings of seniority demerit (clean record) and merit (meritorious public service) in promotional examinations in the Fire and Police Departments shall be calculated as of the closing date for the filing of applications in accordance with the following conditions:

1. An act of demerit which has been rated in a promotional examination for a basic class shall not again be rated in a promotional examination for a basic class or an intermediate or specialized class which is promotional from the basic class in which such rating was made.

2. An act of demerit which has been rated in a promotional examination in an intermediate or specialized class shall not again be rated in a promotional examination in an intermediate or specialized class.

3. An act of demerit shall be deemed expunged following ten (10) years of service with a clean record.

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

4. In applying these schedules, the following are intermediate or specialized classes:

   H4 Inspector, Bureau of Fire Prevention and Public Safety
   H6 Investigator, Bureau of Fire Investigation
   H22 Lieutenant, Bureau of Fire Prevention and Public Safety
   H32 Captain, Bureau of Fire Prevention and Public Safety
   Q35 Assistant Inspector
   Q63 Criminologist

5. In applying these schedules, the following are basic classes:

   H20 Lieutenant, Fire Department
   H30 Captain, Fire Department
   H40 Battalion Chief, Fire Department
   H50 Assistant Chief of Department, Fire Department
   Q50 Sergeant, Police Department
   Q60 Lieutenant, Police Department
   Q80 Captain, Police Department

6. Should a candidate participate in more than one promotional examination having the same beginning date, acts of demerit shall be rated for all such examinations with the same beginning date as provided by the examination announcement.

B. Acts of merit shall not be rated in promotional examinations in the Fire Department or Police Department.

C. In rating acts of demerit, the following schedules apply:

1. For promotional examinations in the Police Department:

   a. Suspension: One (1) point deduction for each work day suspended.

   b. Fines: One (1) point deduction for the equivalent of each working day's salary.

   c. Reprimand by Police Commission: One (1) point deduction for each reprimand.

d. In applying the above schedules, one (1) week equals five (5) working days, two (2) weeks equals ten (10) working days, three (3) weeks equals fifteen (15) working days, one (1) month equals twenty-two (22) working days, two (2) months equals forty-four (44) working days, one-half (½) month equals eleven (11) working days. Fines will be converted to working days on the basis of actual base pay at the time of the fine.

2. For promotional examinations in the Fire Department:

a. For five (5) day, forty (40) hours per week employment:
Suspension: One (1) point deduction for each work day suspended.

b. For five (5) day, forty (40) hours per week employment:
Fines: One (1) point deduction for the equivalent of each working day's salary.

c. For five (5) day, forty (40) hours per week employment:
Reprimand by Fire Commission: One (1) point deduction for each reprimand.

d. For five (5) day, forty (40) hours per week employment:
In applying the above schedules, one (1) week equals five (5) working days, two (2) weeks equals ten (10) working days, three (3) weeks equals fifteen (15) working days, one (1) month equals twenty-two (22) working days, two (2) months equals forty-four (44) working days, one-half (½) month equals eleven (11) working days. Fines will be converted to working days on the basis of actual base pay at the time of the fine.

e. For watch employment: Two-thirds (2/3) point deduction for each calendar day of suspension.

Proposed Amendments to the Civil Service Commission Rules

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~~RULE 9~~

~~EXAMINATIONS~~

~~Section 9.01. CHARTER AUTHORITY~~

~~The examination program shall be in accordance with the provisions of the Charter. The General Manager, Personnel, shall rule on all matters concerning the examination program pursuant to Rule 3, Section 3.04.~~

~~Section 9.02. ANNOUNCEMENT~~

~~The examination announcement shall provide the qualifications, dates, duration of eligible lists and other particulars regarding the examinations thereon announced. Applicants must be guided solely by the announcement of the examination(s) for which they apply.~~

~~Section 9.03. PROTESTS OF EXAMINATION ANNOUNCEMENTS~~

~~Appeals concerning the provisions of an announcement must be received by the Civil Service Department within seven (7) business days from the issuance date. The General Manager, Personnel, will rule upon appeals and notify petitioners in writing. This decision is subject to appeal to the Commission under Rule 5, Section 5.06.~~

~~Section 9.04. REISSUANCE OF EXAMINATION ANNOUNCEMENTS~~

~~After considering appeals submitted under Section 9.03, the General Manager, Personnel, may reissue the announcement. When reissued an examination announcement is not open to the appeal procedure.~~

~~Section 9.05. OFFICIAL TIME PERIODS~~

~~Examination announcements shall set forth time limits for determination of the qualifications of applicants.~~

~~Section 9.06. PROMOTIONAL APPLICANTS~~

~~A. Promotional Applicants Except for Members of the Uniformed Ranks of the Police and Fire Departments~~

~~1. Applicants for promotional examinations shall meet the requirements of the examination announcement under which they apply and be eligible to participate in examinations on a promotive basis as defined by this rule.~~

Proposed Amendments to the Civil Service Commission Rules
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added language indicated by shaded area.

~~2. The following employees who are otherwise qualified are entitled to participate in examinations on a promotive basis if they meet the service requirements specified below:~~

~~a. Employees with permanent status who have completed the probationary period;~~

~~b. Employees with permanent civil service, probationary or certified temporary status currently on authorized leave of absence;~~

~~c. Employees with holdover rights;~~

~~d. Employees serving a probationary period in a different class but who were last employed in a next lower rank class as a certified temporary, probationary or permanent employee past the probationary period;~~

~~e. Appointees from a regular adopted eligible list to a non-permanent position other than a "near list" appointment;~~

~~f. Employees serving a probationary period.~~

~~3. All employees entitled to participate in promotive examinations as outlined above shall meet the following requirements~~

~~a. A period of six months of service in the class or for the period provided in the examination announcement in any status; AND~~

~~b. Certification by the appointing officer(s) of satisfactory job performance for the period of the required service on the forms and in the manner prescribed by the General Manager, Personnel.~~

~~B. Promotional Applicants in the Uniformed Ranks of the Police and Fire Departments.~~

~~Promotional applicants in the uniformed ranks of the Police and Fire Departments are governed by the provisions of Charter Section 8.327.~~

~~Section 9.07. MEANS OF IDENTIFICATION~~

~~A. The General Manager, Personnel, shall determine the method of candidate identification to be used in written and performance examinations.~~

~~B. When the sealed identification method is used, candidates are prohibited~~

Proposed Amendments to the Civil Service Commission Rules
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added language indicated by shaded area.

~~from making identifying marks on their examination papers. The examination papers of a candidate who makes identifying marks may be cancelled. Sealed identification sheets of successful candidates may not be opened until all ratings and the passing mark are final.~~

~~C. Where a number of candidates have competed in two or more examinations in a series and at least one candidate has passed one and failed one of the examinations, the identification sheets of the candidates who have failed one examination may be opened prior to the qualifications appraisal interview but only for the purpose of determining which candidates should participate in the qualifications appraisal interview. Under no circumstance may the score on the examination passed be divulged by the Civil Service Department prior to the posting of the tentative eligible list.~~

~~Section 9.08. UNAUTHORIZED MATERIAL~~

~~Any applicant cheating or attempting to cheat in any phase of the examination process shall be eliminated from the examination and thereafter may be ineligible for future employment. Cheating shall include the use or attempted use of material not authorized by the notice to report for examination.~~

~~Section 9.09. COPYING OF EXAMINATION QUESTIONS~~

~~The copying of examination questions or the making of notes or outlines regarding an examination is prohibited.~~

~~Section 9.10. RATING KEYS~~

~~A. The examination booklet in examinations not exempted from inspection privileges shall provide the time period wherein participants in an examination may review the rating key to be used for scoring. Participants in an examination shall be allowed only one review of the rating key unless otherwise ordered by the General Manager, Personnel. No changes in the rating key shall be made after the identification sheets of any participants have been opened.~~

~~B. Inspection of the rating key is for the purpose of correcting errors in the key or determining if any of the questions asked are ambiguous or incorrectly phrased. Protests concerning the rating key must be filled out in the inspection room on forms supplied by the Commission. Petitions must include substantiating data or authoritative references. If any protests have been filed, an additional period for review of protests and submission of counter-protests will be provided.~~

~~Section 9.11. RATING KEYS -- CONTINUOUS EXAMINATIONS~~

~~A. Inspection privileges shall not apply to questions and answers on any~~

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

~~continuous or standardized entrance or concurrent entrance and promotive written examination. This includes examinations under the continuous testing program.~~

~~B. The General Manager, Personnel, may order obsolete or erroneous questions deleted from any examination exempted by this rule from inspection privileges.~~

~~Section 9.12. INSPECTION OF RATING KEYS BY REVIEW COMMITTEE~~

~~A. Notwithstanding any other provision of these Rules, the examination announcement may provide for review of questions and answers thereto by a review committee in those examinations wherein large numbers of protests on key answers might be anticipated on the basis of past experience, or where there is an immediate need for appointees in the class involved. Such review committee shall be composed of three (3) or more persons expert in the field of subject matter covered by the examination. For examinations in the uniformed ranks of the Police and Fire Departments or other uniformed forces, the members of the Committee shall be appointed by the General Manager, Personnel, from among a panel of five (5) officers submitted by the appointing officer of the concerned department and shall hold rank not less than that of the class for which the examination is being held.~~

~~B. The review of the rating key shall begin simultaneously with the holding of the examination and shall be completed in one session. The recommendations of the review committee with respect to questions or answers which they believe to be ambiguous, incorrect, or improper shall be submitted to the General Manager, Personnel, for approval. Such rating key when approved by the General Manager, Personnel, shall be made available for review by participants in the examination for a period of two (2) days. The time allowed for such review may be extended if in the judgment of the General Manager, Personnel, the number of applicants warrants. The participants may appeal to the Commission concerning only those questions or answers wherein documented claim of significant error is made. If any appeals have been filed, an additional period for submission of counter-arguments will be provided. If no appeals are submitted, the approved rating key shall be the official rating key to be used for scoring the examination.~~

~~Section 9.13. EXAMINATION PASSING MARK~~

~~A. For each examination, the General Manager, Personnel, shall establish a passing mark or shall determine the total number of persons to be included on the list of eligibles based on the needs of the service.~~

~~B. No changes in the passing mark shall be made after the identification sheets have been opened.~~

Proposed Amendments to the Civil Service Commission Rules

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added language indicated by shaded area.

~~Section 9.14. INSPECTION OF PAPERS BY UNSUCCESSFUL CANDIDATES~~

~~Where there are remaining parts of an examination, and where the examination is not exempted from inspection under Section 9.11, unsuccessful candidates may inspect their papers during a two (2) day period specified by the notice informing them of their scores. Such inspection shall be for the sole purpose of determining that the scoring has been accurate.~~

~~Section 9.15. VETERANS' PREFERENCE IN EXAMINATIONS~~

~~A. Veterans' preference in examinations completed on or after July 7, 1976, shall be administered in accordance with Section 8.324 of the Charter.~~

~~B. The following definitions apply to the administration of this section:~~

~~1. Completion date of an examination: The date the eligible list is adopted or on which all competitive parts of the examination have been administered and the passing mark set.~~

~~2. Time for filing claim: Applicants must claim preference on the original application form or pre-application form, whichever is filed first. All such claims or withdrawals of claims must be made prior to participation in the first part of the test to be administered.~~

~~3. First entitlement to claim preference: The date upon which the applicant was first separated from active duty service, including separations for re-enlistment purposes, and such service would have qualified the applicant to claim preference under the then-current requirements.~~

~~Section 9.16. QUALIFICATIONS APPRAISAL INTERVIEW -- PROCEDURES AND APPEALS~~

~~A. Procedures and Practices~~

~~1. The orientation of the qualifications appraisal board may include a presentation by the department head or departmental representative which includes a description of the class for which the examination is being held, the setting of the class in the department, the critical elements of personal characteristics needed by employees in this class, and related information. The department head or representative shall not discuss any candidate with any member or members of the qualifications appraisal board at this time or any other time prior to the completion of the examination.~~

~~2. No fraternal rings, organization pins or insignia of any kind shall be~~

Proposed Amendments to the Civil Service Commission Rules
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~~displayed by the board members in any qualifications appraisal interview nor shall such rings, pins, or insignia be worn by any candidate who appears before such a board.~~

~~3. No board member shall rate a candidate who is related to that person or rate a candidate if any strong personal association exists between that candidate and the board member so that it would be difficult to make an impartial rating.~~

~~4. No candidate shall discuss her/his candidacy or any relationship thereto with the qualifications appraisal board members prior to the completion of all parts of the examination(s) and the final adoption of the list(s) of eligibles resulting therefrom.~~

~~5. No letters of reference or recommendation shall be presented to the qualifications appraisal board.~~

~~6. The board may consider relevant documents such as specified in examination announcements.~~

~~7. In all qualifications appraisal interviews, the same standards shall apply to all candidates who appear for the same class.~~

~~8. The minimum passing or qualifying rating must be related to a class, not to a single position within a multiple position class.~~

~~9. No applicant for public employment shall be questioned as to political views, religious beliefs, labor affiliations, or racial extraction.~~

~~10. Recordings of qualifications appraisal interviews shall be retained only until all ratings become final and any timely litigation based thereon has been resolved. A defective recording shall not invalidate the interview unless the Commission finds the omitted or unintelligible material critically relevant to the case, in which event the Commission may authorize a second interview or order a new examination.~~

~~11. In the event of any challenge of an examiner or of any ratings in qualifications appraisal interviews, all other candidates whose standing in the examination may be affected, shall be notified of the challenge.~~

~~B. Challenge of Board Members~~

~~1. A board member may excuse herself or himself from rating any candidate when in the judgment of the board member it would be difficult to rate the candidate impartially. If possible, the excused board member shall be replaced by an alternate with the same qualifications.~~

~~2. Any challenge as to personal bias or competence of a person serving~~

Proposed Amendments to the Civil Service Commission Rules
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~~as an examiner in a qualifications appraisal interview based upon prior knowledge of or acquaintance with a board member shall be made by a candidate to the representative of the Examination Unit or authorized representative immediately prior to participation in this phase of the examination. The candidate shall then proceed with the interview. If such challenge is sustained by action of the Commission following denial by the General Manager, Personnel, the rating by the challenged person shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the unchallenged members of the examining board. If more than one-half (1/2) of the board members are successfully challenged, then the Commission shall cancel this session and a new board shall be constituted, unless more than one panel of examiners has been convened for the examination, in which case the candidate shall be examined by an alternate panel of equal number.~~

~~3. Any appeal or challenge of the conduct of the qualifications appraisal board based on a claim of bias, malfeasance, or misfeasance of board members must be made in writing and presented to the representative of the Examination Unit not later than the second (2) business day on which the qualifications appraisal interview was held. Challenges based on bias, malfeasance, or misfeasance not filed in this two-day period cannot be considered. Such challenges must state the grounds upon which the challenge is based. Failure to state the specific grounds for the challenge shall nullify the challenge. All challenges properly filed under this section shall be resolved in accordance with the provisions of Rule 5, Section 5.06 of these Rules before the identification sheets of those admitted to the oral examination are opened and scores of the participants are known.~~

~~4. The Commission, in acting on a challenge or appeal of the conduct of the qualification appraisal board, shall consider only the applications, records, questions and answers which constitute the record of the qualifications appraisal interview. It will sustain protests only when the candidate presents evidence that clearly substantiates a charge of bias, malfeasance or misfeasance.~~

~~5. The decision of the Commisson on this subject will be final.~~

~~6. In the absence of a challenge under this section or upon a decision by the Commission under this section, later challenges shall be precluded.~~

~~C. Inspection of Ratings in Qualifications Appraisal Interviews by Participants~~

~~1. After the qualifications appraisal interviews for an examination are computed, such composite ratings shall be available for a minimum period of two (2) working days following the completion of the computations for all participants or for some other two (2) day period set by the General Manager, Personnel, provided that the candidates are advised of the dates, during which period each participant may inspect their own ratings. The identity of the examiner giving any mark or grade in an qualification appraisal interview shall~~

Proposed Amendments to the Civil Service Commission Rules
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~~not be disclosed.~~

~~2. Any challenges shall be filed in writing within the inspection period and shall be limited to:~~

~~a. claimed inconsistencies or failure of the qualifications appraisal board to apply uniform standards;~~

~~b. any questions propounded by the panel of examiners which occur during a qualifications appraisal interview which require an answer in conflict with any federal, state, or city and county laws, rules or regulations which apply to the government of the City and County of San Francisco and/or the San Francisco Civil Service Commission.~~

~~3. All challenges properly filed under this section shall be resolved in accordance with the provisions of Rule 5, Section 5.06 of these Rules. The Commission shall not consider challenges merely because candidates believe they are entitled to a higher score. The Commission will not substitute its judgment for the judgment of the qualifications appraisal interviewers. Ratings by a qualifications appraisal board of less than the minimum passing score shall not be raised to more than the minimum passing score.~~

~~4. No evidence or documents supportive of qualifications shall be presented to the Commission which were not presented to the qualifications appraisal board unless the candidate was denied the opportunity to do so.~~

~~5. The decision of the Commission on this subject will be final.~~

~~6. In the absence of a challenge under this section or upon a decision by the Commission under this section, later challenges shall be precluded.~~

~~Section 9.17. RATING SENIORITY, CLEAN RECORD AND MERITORIOUS PUBLIC SERVICE IN PROMOTIONAL EXAMINATIONS IN THE UNIFORMED RANKS OF THE FIRE AND POLICE DEPARTMENTS.~~

~~A. When such ratings are provided by Charter or examination announcement, ratings of seniority demerit (clean record) and merit (meritorious public service) in promotional examinations in the Fire and Police Departments shall be calculated as of the beginning date of examination in accordance with the following conditions:~~

~~1. An act of merit or demerit which has been rated in a promotional examination for a basic class shall not again be rated in a promotional~~

~~examination for a basic class or an intermediate or specialized class which is promotional from the basic class in which such rating was made.~~

2. ~~An act of merit or demerit which has been rated in a promotional examination in an intermediate or specialized class shall not again be rated in a promotional examination in an intermediate or specialized class.~~

3. ~~An act of demerit shall be deemed expunged following ten years of service with a clean record.~~

4. ~~In applying these schedules, the following are intermediate or specialized classes:~~

   ~~H4 Inspector, Bureau of Fire Prevention and Public Safety~~
   ~~H6 Investigator, Bureau of Fire Investigation~~
   ~~H22 Lieutenant, Bureau of Fire Prevention and Public Safety~~
   ~~H24 Lieutenant, Bureau of Fire Investigation~~
   ~~H32 Captain, Bureau of Fire Prevention and Public Safety~~
   ~~Q35 Assistant Inspector~~
   ~~Q63 Criminologist~~

5. ~~In applying these schedules, the following are basic classes:~~

   ~~H20 Lieutenant, Fire Department~~
   ~~H30 Captain, Fire Department~~
   ~~H40 Battalion Chief, Fire Department~~
   ~~H50 Assistant Chief of Department, Fire Department~~
   ~~Q50 Sergeant~~
   ~~Q60 Lieutenant~~
   ~~Q80 Captain~~

6. ~~Should a candidate participate in more than one promotional examination having the same beginning date, acts of merit and demerit shall be rated for all such examinations with the same beginning date as provided by the examination announcement.~~

~~B. Acts of merit shall not be rated in promotional examinations in the Fire Department. Acts of merit occurring after March 4, 1954, shall not be rated in promotional examinations in the Police Department.~~

~~C. In rating acts of demerit, the following schedules apply:~~

Proposed Amendments to the Civil Service Commission Rules

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~~1. For promotional examinations in the police department:~~

~~a. Suspension: One (1) point deduction for each work day suspended.~~

~~b. Fines: One (l) point deduction for the equivalent of each working day's salary.~~

~~c. Reprimand by Police Commission: One (1) point deduction for each reprimand.~~

~~d. In applying the above schedules, one (1) week equals five (5) working days, two (2) weeks equals ten (10) working days, three (3) weeks equals fifteen (15) working days, one (1) month equals twenty-two (22) working days, two (2) months equals forty-four (44) working days, one-half (1/2) month equals eleven (11) working days. Fines will be converted to working days on the basis of actual base pay at the time of the fine.~~

~~2. For promotional examinations in the fire department:~~

~~a. For five (5) day, forty (40) hours per week employment: Same as G.1 above.~~

~~b. For watch employment: Two-thirds (2/3) point deduction for each calendar day of suspension.~~

~~Section 9.18. REQUIREMENT TO CONDUCT EXAMINATIONS~~

~~A. Except for reasons beyond the Commission's control, the Commission shall immediately commence to conduct an examination whenever a provisional or near-list appointment is made to a permanent position.~~

~~B. Except for reasons beyond the Commission's control, the Commission will make every attempt, on a priority basis, to commence to conduct examinations at least sixty (60) days prior to expiration of an eligible list where there is a demonstrated need for continuing appointments to such class.~~

~~C. Where possible, the General Manager, Personnel, or designee and bargaining representative shall meet in advance to determine which classes require eligible lists on a continuing basis.~~

Proposed Amendments to the Civil Service Commission Rules
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~~RULE 9A~~

~~EXAMINATIONS OF APPLICANTS~~

~~Incorporating Charter Section 8.321 into~~
~~the Civil Service Commission Rules~~
~~Pursuant to Charter Section~~
~~8.320-1 Incorporating Former Charter Provisions~~
~~(Proposition C - November 5, 1991 Election)~~

~~Section 9A.01 REQUIREMENT FOR COMPETITIVE EXAMINATIONS~~

~~All applicants for places in the classified service shall submit to examinations which shall be competitive provided, however, that no examination shall be deemed to be competitive unless two or more persons shall participate, except that any such examination may be held for one qualified applicant on recommendation of the civil service commission and approval by resolution of the board of supervisors, after a finding by the board that reasonable publicity of the proposed examination has been given.~~

~~Section 9A.02 EXAMINATION WITHOUT CHARGE~~

~~Such examinations shall be without charge to the applicants.~~

~~Section 9A.03 EXAMINATION CONTROL AND EMPLOYMENT OF EXAMINERS~~

~~The commission shall control all examinations and may employ suitable persons in or out of the public service to act as examiners.~~

~~Section 9A.04 TYPE OF EXAMINATIONS~~

~~The examinations used shall measure the relative capacities of the persons examined to perform the functions, duties and responsibilities of the classification to which they seek appointment. Examinations shall consist of selection techniques which will test fairly the relative qualifications, merit and fitness of the applicants for the position to be filled. Examinations may include written tests to determine job-related aptitude, knowledge, or achievements and oral tests by qualifications appraisal boards.~~

~~Section 9A.05 RULES GOVERNING QUALIFICATION APPRAISAL BOARDS~~

~~The civil service commission shall establish rules governing the size and composition of qualification appraisal board. Qualification appraisal boards may consider, in~~

Proposed Amendments to the Civil Service Commission Rules

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~~the case of employees of the City and County of San Francisco, all prior performance evaluations completed on civil service forms and in the case of all applicants may consider prior work experience, assessment center evaluations, and work samples as part of their evaluation of candidates for employment to any position.~~

~~Section 9A.06 APPRENTICESHIP POSITIONS~~

~~Appropriate rosters of eligibles established by a trade, craft or occupation joint apprenticeship committee recognized by the State of California Department of Industrial Relations, Division of Apprenticeship Standards, may be utilized to fill apprenticeship positions or as the basis for establishing apprenticeship eligibility list.~~

~~Section 9A.07 COMMISSION SOLE JUDGE OF ADEQUACY OF EXAMINATIONS~~

~~The commission shall be the sole judge of the adequacy of the tests to rate the capacity of the applicants to perform service for the city and county.~~

~~Section 9A.08 ESTABLISHMENT OF PASSING MARK AND NUMBER ON LIST~~

~~The commission may, for each examination, establish a passing mark or may determine the total number of persons who shall constitute the list of eligibles.~~

~~Section 9A.09 PREPARATION AND ORDER OF ELIGIBLE LIST~~

~~The Commission shall prepare from the returns of the examiners the list of eligibles, arranged in order of relative performance.~~

~~Section 9A.10 PROHIBITION OF POLITICAL, RELIGIOUS OR FRATERNAL QUESTIONS~~

~~No question submitted to applicants shall refer to political or religious opinions or fraternal affiliations.~~

Proposed Amendments to the Civil Service Commission Rules
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~~RULE 9B~~

~~PROTEST OF WRITTEN QUESTIONS AND ANSWERS~~

~~Incorporating Charter Section 8.322 into~~
~~the Civil Service Commission Rules~~
~~Pursuant to Charter Section~~
~~8.320-1 Incorporating Former Charter Provisions~~
~~(Proposition C - November 5, 1991 Election)~~

~~Section 9B.01 REVIEW PERIOD BY PARTICIPANTS IN WRITTEN EXAMINATIONS~~

~~After the written portion of a civil service examination has been held, the questions used and the answers thereto shall be available for review by the participants.~~

~~Section 9B.02 EXCLUSION FROM REVIEW OF CONTINUOUS OR STANDARDIZED TESTS~~

~~This review period shall not apply to questions and answers on any continuous or standardized entrance of concurrent entrance and promotive written test.~~

~~Section 9B.03 OPPORTUNITY TO PROTEST QUESTIONS AND ANSWERS.~~

~~During the review period, participants shall have an opportunity to protest questions or answers they believe to be incorrect or improper.~~

~~Section 9B.04 CHANGES IN RATING KEY~~

~~After all protested items have been acted on and after the official rating key has been adopted and the identification sheets have been opened, further changes in the rating key shall not be made.~~

Proposed Amendments to the Civil Service Commission Rules

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RULE ~~9C~~ 9A

VETERANS PREFERENCE IN EXAMINATIONS

RENUMBER ENTIRE RULE 9C TO 9A; NO CHANGE TO EXISTING TEXT.

RULE ~~9D~~ 9B

PROMOTIONAL EXAMINATIONS FOR EMPLOYEES
ON MILITARY LEAVE

RENUMBER ENTIRE RULE 9D TO 9B; NO CHANGE TO EXISTING TEXT.

Proposed Amendments to the Civil Service Commission Rules
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Rule 10

Eligible Lists

SECTION 10.01 TYPES OF ELIGIBLE LISTS

The names of candidates passing all phases of an examination shall be placed on one of the following types of eligible lists in the order of total score. Eligibles with tie scores shall be listed in alphabetical order. Eligibles on lists governed by the Rule of the List shall be listed in alphabetical order and without reference to score.

A. DISCRETE ELIGIBLE LISTS

Discrete eligible lists are lists derived from examinations which are open for filing for a specific time period and in which the selection procedure is administered on a specific date or dates.

B. CONTINUOUS ELIGIBLE LISTS

1. Continuous Lists.

A continuous eligible list may be used for a class after the General Manager, Personnel, has designated the class as a "continuous list class." Each time an examination for such a class is given, the names of the eligibles resulting from the examination shall be added to the existing eligible list, ranked by the eligible's score on the examination taken. For eligibles with the same score, names shall be listed alphabetically.

2. Duration of Eligiblity on Continuous Lists.

Each examination announcement for a continuous list class shall state the time period during which the names of eligibles successfully passing the examination will remain on the continuous list. This time period will be referred to as the "eligibility period." An eligible's name shall be removed from a continuous list at the end of the eligibility period.

Proposed Amendments to the Civil Service Commission Rules
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SECTION 10.02 DURATION OF ELIGIBLE LISTS AND OF ELIGIBILITY

A. Duration of Discrete Eligible Lists

For discrete eligible lists, the eligible list shall state the duration of the list with the minium duration being six (6) months and the maximum twenty-four (24) months.

B. Duration of Eligibility - Continuous Eligible Lists

For continuous eligible lists, the examination announcement shall specify the duration of eligibility with the minimum period of eligibility being six (6) months and the maximum being twelve (12) months.

C. Establishment of Duration of Eligible Lists and Eligibility

In establishing duration of an eligible list or duration of eligibility, the General Manager, Personnel shall consider, among other factors, the size of the applicant pool, the number of positions in the class, the rate of turnover, and affirmative action goals.

D. Expiration of Eligible Lists and Eligibility

If the expiration date of an eligible list or duration of eligibility falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.

SECTION 10.03 EXTENSION OF ELIGIBILITY

The General Manager, Personnel, may extend an eligible list or an duration of eligibility for up to one (1) additional year. Eligibles shall be notified of the extension and any change in the expiration of their eligibility. The decision of the General Manager, Personnel, under this section shall be final.

SECTION 10.04 CANCELLATION OF ELIGIBILITY

The General Manager, Personnel may cancel an eligible list after the minimum duration of six (6) months. In cancelling an eligible list, the General Manager, Personnel shall consider, among other factors, the number of eligibles remaining, the length of time since the selection procedures were administered, affirmative action goals, and labor market availability. Eligibles and the recognized employee organization representing the affected class shall be notified.

Proposed Amendments to the Civil Service Commission Rules
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SECTION 10.05 MERGING OF ELIGIBLE LISTS

A. The General Manager, Personnel, may authorize the merging of an earlier list in a class with a later eligible list in the same class.

B. The names of eligibles from the earlier eligible list shall be interpolated with the names of eligibles on the later eligible list by score. Eligibles with the same score shall be listed in aphabetical order.

C. The duration of the merged eligible list shall be established as provided elsewhere in these Rules and eligibles from the earlier eligible list shall have their eligibility extended accordingly.

SECTION 10.06 PRIORITY OF ELIGIBLE LISTS

Except as otherwise provided in these Rules, the order of priority of discrete eligible lists regardless of adoption dates is as follows:

A. Promotive lists

B. Combined promotive and entrance lists

C. Entrance lists

Within each category earlier discrete eligible lists have priority over later discrete eligible lists.

SECTION 10.07 POSTING PERIOD FOR THE TENTATIVE ELIGIBLE LIST

Following the completion of an examination, a tentative eligible list shall be posted for public inspection for a minimum of three (3) business days.

SECTION 10.08 DOCUMENTS INCLUDED IN INSPECTION AND MAINTENANCE OF ANONYMITY OF EXAMINERS

Inspection during the posting period of the tentative eligible list shall include the eligible's application, documents supporting qualifications to participate in the examination, written answer sheet, oral rating sheet, and other papers needed to verify accuracy of scores. Neither the identity of the examiner giving any mark or grade in an examination nor the questions and answers shall be provided.

Proposed Amendments to the Civil Service Commission Rules
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SECTION 10.09 APPEAL OF TENTATIVE ELIGIBLE LIST

The exclusive purpose of inspection during the posting period of the tentative eligible list is to review papers supporting a person's standing on the eligible list. Appeals during this period shall be limited to the qualifications of eligibles and the accuracy of scores. Appeals must be filed in the office of the Civil Service Department during the inspection period of the eligible list. The General Manager, Personnel shall rule on all appeals filed during this period. The decision of the General Manager, Personnel on the appeal shall be final and shall not be reconsidered by the Commission.

SECTION 10.10 FEE FOR INSPECTION OF EXAMINATION PAPERS

During the inspection period of the eligible list, a fee for the inspection of the papers of each eligible shall be charged. The amount of such fee shall be established the Commission. The fee shall be waived for eligibles who wish to inspect their own papers.

SECTION 10.11 ADOPTION OF ELIGIBLE LIST

A. If no appeals are received during the posting period the eligible list shall be automatically adopted.

B. Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.

C. The General Manager, Personnel, may adopt an eligible list pending the resolution of any appeal. Eligibles who are reachable for certification may be certified. The decision of the General Manager, Personnel, shall be final and shall not be reconsidered by the Commission.

SECTION 10.12 MAINTENANCE OF ELIGIBILITY

A. Except as otherwise provided in these Rules, eligibles who fail to possess or maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.

B. Except for persons designated as "holdovers," promotive eligibles on a combined promotive and entrance eligible list who are separated from the City and County service shall have all promotive credit points deleted from their final scores in the examination and their ranks on the eligible list shall be reduced accordingly. If re-employed and if the eligible list has not expired, upon written request and with the approval of the General Manager, Personnel, such promotive credit points and the previous rank shall be restored.

Proposed Amendments to the Civil Service Commission Rules

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C. Except for persons designated as "holdovers," eligibles on a promotive only eligible list who are separated from the City and County service shall be removed from such eligible list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the General Manager, Personnel, the person may be returned to the eligible list with promotive credit points and previous rank restored.

D. The General Manager, Personnel, is authorized to remove eligibles from an eligible list in accordance with the conditions specified above.

SECTION 10.13 THE USE OF ELIGIBLE LISTS

Except for circumstances beyond the control of the Civil Service Department, the initial notice of certification to eligibles shall be issued within thirty (30) days from the date of adoption of the eligible list.

Proposed Amendments to the Civil Service Commission Rules
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~~RULE 10~~

~~ELIGIBLE LISTS~~

~~Section 10.01. ESTABLISHMENT OF ELIGIBLE LISTS~~

~~Qualified participants successfully passing all phases of the examination shall be ranked on an "Eligible List" in the order of their total score.~~

~~Section 10.02. PRIORITY OF ELIGIBLE LISTS~~

~~The order of priority of eligible lists regardless of adoption dates is as follows:~~

~~A. Promotive lists~~
~~B. Combined promotive and entrance lists~~
~~C. Entrance lists~~

~~Within each category earlier lists have priority over later lists.~~

~~Section 10.03. MAINTENANCE OF ELIGIBILITY~~

~~A. Except as otherwise provided in these Rules, eligibles who fail to possess and maintain the qualifications required by law and by the terms of the examination announcement under which they participated will forfeit their eligibility.~~

~~B. Except for persons designated as "Holdovers," promotive eligibles on a combined promotive and entrance eligible list who are separated from the City and County service shall have all promotive credit points deleted from their final scores in the examination and their ranks on the eligible list shall be reduced accordingly. If re-employed and if the eligible list has not expired, upon written request and with the approval of the General Manager, Personnel, such promotive credit points and the previous rank shall be restored.~~

~~C. Except for persons designated as "Holdovers," eligibles on a promotive only list who are separated from the city and county service shall be removed from such list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the General Manager, Personnel, the person may be returned to the list of eligibles with promotive credit points and previous rank restored.~~

Proposed Amendments to the Civil Service Commission Rules

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added language indicated by shaded area.

~~Section 10.04. OFFICIAL ADOPTION DATE~~

~~A. Pending the official adoption of an eligible list, a tentative eligible list shall be posted. Any protests must be filed in the office of the Commission during the posting period. After the posting period and in the absence of protests on ratings, tentative eligible lists shall automatically become official as posted.~~

~~B. If protests are received during the posting period, the investigation and action of the General Manager, Personnel, shall be expedited so that final adoption of the eligible list is not delayed beyond sixty (60) days after the date of posting.~~

~~C. Eligibles who, as a result of their ranking, would receive a notice of appointment regardless of the outcome of the protest(s) may be offered employment from adopted lists pending the resolution of any protest(s) and amendment to the adopted eligible list.~~

~~D. Changes in an eligible list because of clerical errors or re-ratings shall not change the date of adoption of the eligible list.~~

~~E. While the tentative eligible list is posted any person may inspect the papers of any eligible in accordance with the provisions of Section 8.323 of the Charter. Eligibles may inspect their own papers without charge.~~

~~Section 10.05. DURATION OF ELIGIBLE LISTS~~

~~A. As provided in these Rules, examination announcements shall state the duration of the eligible list. If the expiration date falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.~~

~~B. Prior to abolishing any list pursuant to Charter Section 8.330, one (1) month notice shall be given to remaining eligibles and the recognized employee organization representing the class affected and eligibles so notified shall be given a final opportunity to accept appointment to positions available.~~

~~Section 10.06. USE OF ELIGIBLE LISTS~~

~~The initial notice of certification to eligibles shall be issued within thirty (30) days from the date of adoption of the eligible list.~~

Proposed Amendments to the Civil Service Commission Rules
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added language indicated by shaded area.

~~RULE 10A~~

~~PROTEST OF TENTATIVE LIST OF ELIGIBLES~~

~~Incorporating Charter Section 8.323 into~~
~~the Civil Service Commission Rules~~
~~Pursuant to Charter Section~~
~~8.320-1 Incorporating Former Charter Provisions~~
~~(Proposition C - November 5, 1991 Election)~~

~~Section 10A.01~~ ~~POSTING OF TENTATIVE LIST OF ELIGIBLES~~

~~Following the completion of any examination, a tentative list of eligibles shall be posted for the inspection of the public and of participants.~~

~~Section 10A.02~~ ~~DURATION OF POSTING PERIOD~~

~~The posting period shall be for a minimum of:~~

~~(a) three working days for entrance examinations or~~

~~(b) five working days for promotional or combined entrance and promotional examinations.~~

~~Section 10A.03~~ ~~FEE FOR INSPECTION OF EXAMINATION PAPERS~~

~~During this period a fee for the inspection of the papers of each eligible shall be charged by the civil service commission. The amount of such fee shall be established by ordinance of the board of supervisors. The fee shall be waived for eligibles who wish to inspect their own papers.~~

~~Section 10A.04~~ ~~DOCUMENTS INCLUDED IN INSPECTION AND MAINTENANCE OF ANONYMITY OF EXAMINERS~~

~~Inspection of papers shall include all documents supporting the eligible's rank and score, except neither the identity of the examiner giving any mark or grade in an oral examination nor the questions and answers on any continuous or standardized entrance or concurrent entrance and promotive written test, shall be provided.~~

Proposed Amendments to the Civil Service Commission Rules

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~~Section 10A.05 INSPECTION RESTRICTED TO EXAMINATION PARTICIPANTS~~

~~Only participants in the examination may review the questions used in the examination.~~

~~Section 10A.06 AUTOMATIC ADOPTION OF TENTATIVE LIST~~

~~If no protests are received during the posting period the eligible list is automatically adopted.~~

~~Section 10A.07 DISPOSITION OF PROTESTS~~

~~If protests are received during the posting period, the investigation and action of the general manager, personnel, shall be expedited so that final adoption of the eligible list is not delayed beyond 60 days after the date of posting.~~

~~Section 10A.08 EFFECT ON ELIGIBLES PENDING RESOLUTION OF PROTESTS~~

~~Eligibles who, as a result of their ranking, would receive a notice of appointment regardless of the outcome of the protest(s) may be offered employment from adopted lists pending the resolution of any protest(s) and amendment to the adopted eligible list.~~

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

~~RULE 10B~~

~~DURATION OF LISTS OF ELIGIBLES~~

~~Incorporating Charter Section 8.330 into~~
~~the Civil Service Commission Rules~~
~~Pursuant to Charter Section~~
~~8.320-1 Incorporating Former Charter Provisions~~
~~(Proposition C - November 5, 1991 Election)~~

~~Section 10B.01~~ ~~TENURE OF LISTS OF ELIGIBLES~~

~~The civil service commission may remove all names from the list of eligibles after they have remained thereon for more than two years and all names thereon shall be removed at the expiration of four years.~~

~~Section 10B.02~~ ~~PROVISION FOR AUTOMATIC EXPIRATION OF ELIGIBLE LISTS~~

~~The commission may, however, provide in the examination announcement that the list of eligibles secured thereby shall automatically expire at a date not less than two or more than four years after the adoption of such list.~~

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

RULE 12

APPOINTMENTS

Section 12.03. TEMPORARY APPOINTMENT

A. Temporary appointment shall be ~~either~~ one of the following:

1. An appointment from an eligible list to a temporary position. Such appointment is time limited to a maximum duration of the hourly equivalent of one-hundred thirty (130) working days based on the regular daily work schedule of the employee, and in no case may the maximum exceed one-thousand forty (1040) hours; or

2. An appointment from an eligible list to a temporary position established to perform a special project or investigation. The establishment of such position shall require the express approval of the Civil Service Commission. It must be readily foreseeable that the duties and responsibilities and products must be completed by the time limit of a maximum of the hourly equivalent of two-hundred sixty (260) working days based on the regular daily work schedule of the employee, and in no case may the maximum exceed two thousand eighty (2080) hours; or

3. When no eligible list exists or no eligible is available on an existing eligible list for a position in the class requisitioned by an appointing officer, and immediate service in the position is required by the appointing officer and another eligible list exists which is deemed by the General Manager, Personnel, to be suitable to provide temporarily the service desired, the General Manager, Personnel, shall certify for civil service temporary appointment an eligible from such eligible list.

B. Expiration of temporary appointment

1. Upon expiration of the maximum allowable time period or upon expiration of the appointee's temporary position, temporary appointees shall be separated as provided below.

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

2. Temporary appointees so separated shall be returned to the ~~list of eligibles~~ eligible list from which appointed if such list has not expired. ~~Temporary appointees, except those appointed from a "near-list", whose list has expired shall be ranked on the holdover roster for the class.~~

3. Temporary appointees returned to the eligible list or to the holdover roster shall be immediately available for certification to temporary positions:

a. Under another appointing officer; or

b. To the same appointing officer to another position with the express approval of the General Manager, Personnel. In the case of represented classes the General Manager, Personnel, shall provide prior notification to the appropriate bargaining representative of intention to authorize such immediate certification and shall, upon request, meet and confer concerning the proposed certification.

C. Layoff due to lack of work or lack of funds or termination shall be as provided elsewhere in these Rules.

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

RULE 12

APPOINTMENTS

Section 12.04. PROVISIONAL APPOINTMENT

A. ~~Non-Civil Service Appointment~~

~~1.~~ ~~Non-civil service~~ Provisional appointment ~~,made under the authority of Charter Section 8.332~~ shall be an appointment to a permanent or temporary position when ~~either:~~ ~~a.~~ there is no available eligible.

1. A provisional appointment is time limited to a maximum duration of the hourly equivalent of 130 working days based on the regular work schedule of the employee; however, in no case may the maximum duration exceed one-thousand forty (1040) hours in any class or in any department in a calendar ~~or fiscal~~ year.

2. Except with the express approval of the General Manager, Personnel, when an eligible list is adopted, all provisional appointments in the affected class shall expire. ~~thirty (30) days from eligibe list adoption, whichever is less; or~~

~~b. There is an emergency. Such appointment is time limited to a maximum of two-hundred forty (240) hours.~~

B. Provisional appointments may be extended with the approval of the General Manager, Personnel, for additional periods of time not to exceed, for each extension, the time limitations specified above.

~~2.~~ C. ~~Non-civil service~~ Provisional appointees serve at the discretion of the appointing officer.

~~3.~~ D. ~~Non-civil service~~ Provisional appointees shall be separated as provided below at the expiration of the maximum allowable time or upon expiration of the appointee's temporary position.

~~4.~~ E.The General Manager, Personnel, shall promulgate policies and procedures for making ~~non-civil service~~ provisional appointments which shall include provisions that appointments shall be made on the basis of a combination of merit factors, affirmative action and, if promotive, consideration of performance appraisal ratings and seniority.

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

~~5. Notification to signatory unions shall be as follows:~~

~~Employee organizations signatory to the Letter of Agreement adopted April 4, 1983, shall be notified on a biweekly basis of all non-civil service provisional appointments authorized in the preceding two-week period, together with the duration of such appointments and the reason(s) for such duration. Union representatives of organizations signatory to the aforementioned agreement shall have the right to meet and confer with the General Manager, Personnel, or designee following notification cited hereinabove.~~

~~B. Limited Tenure Appointment~~

~~1. A limited tenure appointment is an appointment made to a permanent or temporary position under authority of Section 8.331 of the Charter in a class for which there is no available eligible.~~

~~2. All limited tenure appointments shall require the express prior approval of the Commission and shall be made pursuant to the stated intent of the Letter of Agreement and Compliance Agreement adopted April 4, 1983, as it pertains to the classes represented by the unions signatory to these Agreements.~~

~~3.~~ F. Layoff of provisional appointees due to lack of work, lack of funds or termination shall be as provided elsewhere in these Rules~~and in Charter Section 8.331~~.

~~4.~~ G. A civil service appointee who is laid off, terminated or who resigns from a ~~limited tenure~~ provisional appointment shall return to the appointee's permanent position.

~~5.~~ H. A ~~limited tenure~~ provisional appointee resigning from employment shall complete the prescribed resignation form.

~~C.~~ I. ~~Provisional Appointees~~

~~No Preference for Permanent Appointment~~

Provisional appointees shall acquire, by virtue of serving under provisional appointment, no right or preference for permanent appointment.

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

~~RULE 12A~~

~~LIMITED TENURE APPOINTMENTS~~

~~Incorporating Charter Section 8.331 into~~
~~the Civil Service Commission Rules~~
~~Pursuant to Charter Section~~
~~8.320-1 Incorporating Former Charter Provisions~~
~~(Proposition C - November 5, 1991 Election)~~

~~Section 12A.01 LIMITED TENURE APPOINTMENTS - WHEN AUTHORIZED~~

~~When in time of war declared by the Congress of the United States eligibles are not available for appointment from registers established through the regular examination procedure as provided under [Charter] Sections 8.320 [now CSC Rule 8A], 8.321 [now CSC Rule 9A], 8.324 [now CSC Rule 9C] and 8.330 [now CSC Rule 10B], the civil service commission may qualify applicants for wartime appointments to positions through informal and non-competitive tests.~~

~~Section 12A.02 SELECTION OF LIMITED TENURE APPOINTEES~~

~~Such tests and appointments resulting therefrom shall be governed solely by the provisions of this [Rule] and by rule of the civil service commission adopted pursuant thereto and the tests shall be adequate in the judgment of the civil service commission to determine the capacity of applicants to perform the duties of the positions to be filled pending creation of lists of eligibles through the regular examination procedure as provided in [Charter] Sections 8.320 [now CSC Rule 8A], 8.321 [now CSC Rule 9A], 8.324 [now CSC Rule 9C] and 8.330 [now CSC Rule 10B].~~

~~Section 12A.03 DEFINITION AND DURATION OF LIMITED TENURE APPOINTMENTS~~

~~Appointments made under the provisions of this [Rule] shall be designated "limited tenure appointments" and may continue only until registers of eligibles are established through the regular examination procedure provided in [Charter] Sections 8.320 [now CSC Rule 8A], 8.321 [now CSC Rule 9A], 8.324 [now CSC Rule 9C] and 8.330 [now CSC Rule 10B] but in no event to exceed six months beyond the cessation of hostilities.~~

~~Section 12A.04 LAYOFF OF LIMITED TENURE APPOINTEES~~

~~Limited tenure appointments may be terminated by the appointing officer at any time for lack of work or funds.~~

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

~~Section 12A.05 TERMINATION OF LIMITED TENURE APPOINTEES~~

~~Limited tenure appointments may be terminated by the appointing officer for good cause at any time with the approval of the civil service commission without reference to the procedures governing removals set forth in [Charter] Section 8.341.~~

~~Section 12A.06 RESTRICTION ON RIGHTS ON LIMITED TENURE APPOINTEES~~

~~Persons serving under limited tenure appointments as in this [Rule] provided shall by reason of such service acquire no right or preference to permanent civil service status as defined elsewhere in [the] charter or by rule of the civil service commission which is conferred on persons completing probationary appointments made from lists of eligibles established through the regular examination procedures provided in [Charter] Sections 8.320 [now CSC Rule 8A], 8.321 [now CSC Rule 9A], 8.324 [now CSC Rule 9C] and 8.330 [now CSC Rule 10B] of [these Rules].~~

~~Section 12A.07 RESTRICTION ON CREDIT FOR LIMITED TENURE SERVICE — EMPLOYEES OF MUNICIPAL RAILWAY~~

~~Service after January 1, 1951, under limited tenure appointment, by platform employees of the municipal railway, shall not be included in the calculation of service of such employees for the purpose of determining assignments of runs when such assignments are made on the basis of seniority of service.~~

~~Section 12A.08 NON-CIVIL SERVICE APPOINTMENTS WHEN NO ELIGIBLE LIST~~

~~Non-civil service appointments in the absence of civil service eligibles as provided in [Charter] Sections 8.320 [now CSC Rule 8A], 8.321 [now CSC Rule 9A], 8.324 [now CSC Rule 9C] and 8.330 [now CSC Rule 10B] shall not be authorized if applicants qualified for limited tenure appointments are available.~~

~~Section 12A.09 CIVIL SERVICE COMMISSION TO MAINTAIN ELIGIBLE LISTS~~

~~The civil service commission shall make every effort consistent with current conditions to maintain adequate registers of eligibles established through the regular examination procedure provided in [Charter] Sections 8.320 [now CSC Rule 8A], 8.321 [now CSC Rule 9A], 8.324 [now CSC Rule 9C] and 8.330 [now CSC Rule 10B] hereof.~~

Proposed Amendments to the Civil Service Commission Rules

Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

~~Section 12.A.10 CIVIL SERVICE COMMISSION TO ADOPT RULES TO GOVERN LIMITED TENURE APPOINTMENTS~~

~~The civil service commission shall adopt rules to carry out the provisions of this [Rule] and to govern the administration of limited tenure appointments.~~

~~Section 12A.11 ADDITIONAL AUTHORITY FOR LIMITED TENURE APPOINTMENTS~~

~~(a) In time of national emergency declared by the President of the United States or by the Cogress or while any act authorizing compulsory military service or training is in effect, the provisions of this [Rule] may also be made operative upon recommendation of the civil service commission and approval of the board of supervisors by ordinance enacted by two thirds vote of the board.~~

~~(b) Authority for limited tenure appointments, if established pursuant to the authority of this paragraph, shall cease six months after repeal by the board of supervisors of the ordinance which authorized such appointments.~~

Proposed Amendments to the Civil Service Commission Rules

Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

~~RULE 12B~~

~~TEMPORARY AND EMERGENCY APPOINTMENTS~~

~~Incorporating Charter Section 8.332 into~~
~~the Civil Service Commission Rules~~
~~Pursuant to Charter Section~~
~~8.320-1 Incorporating Former Charter Provisions~~
~~(Proposition C - November 5, 1991 Election)~~

~~Section 12B.01 TEMPORARY "NEAR LIST" APPOINTMENTS AUTHORIZED~~

~~When no list of eligibles exists or no eligible is available on an existing list for a position in the class requisitioned by the appointing officer, and immediate service in the position is required by the appointing officer and another list exists which is deemed by the civil service commission to be suitable to provide temporarily the service desired, the commission shall certify for civil service temporary appointment an eligible from such list;~~

~~Section 12B.02 NON-CIVIL SERVICE APPOINTMENT DEFINED~~

~~If no such other list deemed by the commission to be suitable exists, the commission pursuant to its rules may authorize the appointing officer to make a non-civil service or emergency appointment thereto for a period not exceeding 130 working days.~~

~~Section 12B.03 DURATION OF NON-CIVIL SERVICE APPOINTMENT~~

~~Non-civil service or emergency appointments extended beyond 90 days must be approved by the civil service commission. Such non-civil service or emergency appointment, however, shall cease prior to the expiration of such 130 working days at the time a civil service eligible reports for duty as provided in Section 8.329 of the charter.~~

~~Section 12B.04 EMERGENCY APPOINTMENT PENDING CANVASSING OF ELIGIBLE LIST~~

~~(a) If a list of eligibles exists for the position requisitioned, but immediate service is deemed necessary by the appointing officer pending the time an eligible from such list is certified and reports for duty as provided in Section 8.329 of the charter, the commission may authorize the appointing officer to make a non-civil service or emergency appointment thereto for a period not exceeding 30 working days.~~

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

~~(b) Such non-civil service or emergency appointment, however, shall cease prior to the expiration of such 30 working days at the time a civil service eligible reports for duty as provided in Section 8.329 of [the] charter.~~

~~Section 12B.05 RESTRICTION ON COMPENSATION OF NON-CIVIL SERVICE APPOINTEES~~

~~No person shall be compensated under any non-civil service or emergency appointment or appointments as authorized under the provisions of the foregoing paragraphs of this [Rule] for a period exceeding 130 working days in any fiscal or calendar year, and no claim or warrant therefore shall be approved, allowed or paid for any compensation in excess of such 130 working days in any fiscal or calendar year.~~

~~Section 12B.06 MANDATE FOR FUNDING COMMISSION TO CONDUCT EXAMINATIONS~~

~~If no eligibles are available for appointment to a permanent position in the class requested by the appointing officer the commission shall immediately hold an examination and establish an eligible list for such position. If its annual appropriation is insufficient to meet the cost of said examination, it shall report to the mayor the estimated cost thereof, and the mayor shall request and the supervisors shall make supplemental appropriation therefore in the manner provided herein for supplemental appropriations.~~

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

RULE 16

PROBATIONARY PERIOD

Section 16.01. REQUIREMENT FOR AND PURPOSE OF THE PROBATIONARY PERIOD

A. Any person appointed to a permanent civil service position shall serve a probationary period.

B. Nothing in these provisions is intended to infringe upon or restrict the discretion of the appointing officer in terminating a probationary employee as provided for ~~in Charter Section 8.340 and elsewhere~~ in these Rules.

~~A.~~ C. The probationary period is the final and most important phase of the selection process and is to be used for evaluating ~~the ability~~ performance of the employee ~~to perform the assigned duties of~~ in the position to which appointed.

Section 16.02. APPOINTMENTS SUBJECT TO THE PROBATIONARY PERIOD

A probationary period is required for all of the following types of permanent appointment:

A. ~~Permanent~~ Appointment from an eligible list;

B. ~~Permanent~~ Appointment following layoff or involuntary leave when the appointment is to a class and/or department other than the one from which laid off or where a probationary period had not been previously served in the class and department;

C. Appointment by ~~permanent~~ transfer to the same class in another department, disability transfer, ~~or appointment by~~ transfer of function, or transfer occasioned by reduction in force due to technological advances, automation or the installation of new equipment;

D. Reappointment of resignees;

E. Reinstatement at the request of the employee to a permanent position in a former class in a department other than a department in which the probationary period had been completed in this former class.

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

F. Advancement from a part-time position to a full-time position except if the employee has previously served a probationary period in a full-time position in the same class in the same department.

G. Reversion by a promotive probationary employee to a position in a former class in which the probationary period has been completed except if the employee has previously served a probationary period in the same department in that class.

~~Section 16.03 Exception to the Probationary Period Requirement~~

~~Employees returned to a position in the class from which promoted by action of the Commission under the separation procedures provided elsewhere in these rules shall not be required to serve a new probationary period, unless ordered otherwise by the commission.~~

Section 16~~.04~~ 03 DURATION OF PROBATIONARY PERIOD

A. The probationary period shall be six (6) months of service except for those classes designated in the appendix to this Rule ~~and as provided for below:~~

B. An employee appointed through disability transfer as provided elsewhere in these Rules shall be required to serve a probationary period ~~of six (6) months of service~~ of the same duration applicable to the class to which transferred.

C. ~~The probationary period for an employee returned to duty to a permanent appointment following layoff as provided elsewhere in these rules shall be six (6) months of service in all cases , provided, however, that a permanent holdover who is serving a probationary period when laid off and is being returned to duty in the same department from which laid off shall serve the balance of the probationary period.~~ For an employee who returns to a permanent position following layoff, the probationary period shall be the same period normally applicable to the class to which the employee is appointed. However, for a permanent employee in holdover status, who was laid off during the probationary period and who is returning to the same department and class from which laid off, the employee need only serve the balance of the probationary period from which the layoff occurred.

D. ~~Appointing officers may credit, as time served toward the completion of the probationary period, prior permanent appointment in the same class, not to exceed the total length of~~

Proposed Amendments to the Civil Service Commission Rules

Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

~~the period(s) of appointment up to a maximum credit of one-half (1/2) of the required length of the probationary period.~~ An appointing officer may credit as probationary time served, an employee's prior full-time service in a permanent position in the same class, excluding probationary time. Such credits shall not exceed one-half (1/2) of the required length of the probationary period.

E. Appointing officers may credit periods of limited term transfer toward the completion of the probationary period as provided in the Transfer Rule.

F. Probationary periods of 12 months and up to a maximum of 24 months may be established for professional, executive and management classifications.

Section 16.~~05~~ 04 EXTENSION OF THE PROBATIONARY PERIOD

A. Except as provided elsewhere in this section, all periods of unpaid authorized leave, except sick leave, all periods of unauthorized absence, and all periods of disciplinary suspension shall automatically extend the probationary period by the total time of the absence.

B. An appointing officer, with the approval of the General Manager, Personnel, may extend the probationary period of a probationary appointee for up to a maximum of twelve (12) calendar months in order to allow the employee time in which to obtain required licenses and/or certificates.

~~B.~~ C. All periods of sick leave, with or without pay in excess of ten (10) working days per six (6) months of probationary period shall automatically extend the probationary period by the total time off in excess of ten (10) working days.

~~C.~~ D. For all appointees, periods of disability leave shall automatically extend the probationary period by the total time of the absence.

~~D.~~ E. Civil service appointees in the school districts shall have their probationary period calculated on the basis of actual service, excluding from such period of service, periods of non-service such as school vacation.

~~E.~~ F. Exceptions to extension

1. Military leave, jury duty leave, and vacation leave granted during the probationary period shall not extend the probationary period.

2. Time served while on leave of absence to serve temporarily under the same appointing officer in another class during the probationary period shall be counted toward the completion of the probationary period for the class from which leave was granted. Appointing officers shall notify the Commission in writing of such temporary appointments.

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

G. Successive Probationary Appointment

1. With the approval of the General Manager, Personnel, an appointing officer, with the concurrence of the employee, may renew the employee's probationary period. The General Manager, Personnel shall establish the administrative process and procedures for accomplishing such successive probationary appointments.

SECTION 16~~.06~~ 05 REPORT OF PROBATIONARY PERIOD

The appointing officer shall notify the appointee and the General Manager, Personnel on the prescribed form of the completion of the ~~an~~ appointee's probationary period.

SECTION 16.06 VOLUNTARY RESUMPTION OF PROBATIONARY STATUS

When agreed upon by an appointing officer and an employee and with the approval of the General Manager, Personnel, a permanent employee past the probationary period may voluntarily agree to serve a new probationary period in lieu of the department dismissing the employee. The duration of the resumed probationary period shall not exceed six (6) calendar months. During this resumed probationary period, should the employee fail to abide by the terms and conditions of the probationary period set by the department, subsequent disciplinary action may be taken. This resumed probationary period is subject to all terms and conditions of a probationary period as provided elsewhere in these Rules.

Proposed Amendments to the Civil Service Commission Rules

Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

EXCERPT OF ONLY THOSE CLASSES AFFECTED BY THE PROPOSED AMENDMENT

RULE 16 - APPENDIX

The civil service classes listed below require a probationary period which is other than six (6) months duration:

CLASS NO.	TITLE	LENGTH OF PROBATION PERIOD	DATE OF CSC ACTION	
H2	Firefighter	12 CAL MOS	~~CHARTER~~	Date of Rule Adoption
O2	Police Officer	SEE NOTE A	~~CHARTER~~	Date of Rule Adoption
8304	Deputy Sheriff	SEE NOTE B	~~CHARTER~~	Date of Rule Adoption
8306	Sr Deputy Sheriff	SEE NOTE B	~~CHARTER~~	Date of Rule Adoption
8308	Sheriff's Sergeant	SEE NOTE B	~~CHARTER~~	Date of Rule Adoption
8310	Sheriff's Lieutenant	SEE NOTE B	~~CHARTER~~	Date of Rule Adoption
8312	Sheriff's Captain	SEE NOTE B	~~CHARTER~~	Date of Rule Adoption
8314	Chief Deputy Sheriff	SEE NOTE B	~~CHARTER~~	Date of Rule Adoption
9210	Airport Police Officer	12 CAL MOS	~~CHARTER~~	Date of Rule Adoption

NOTE A:

The probationary period for the entrance uniformed rank of the San Francisco Police Department shall be completed after twelve (12) months' service from the day following completion of the prescribed department field training officer program, but in no case to exceed eighty-four (84) weeks from the date of appointment. (~~Proposition G amended Charter Section 8.340, 11/6/84~~)

NOTE B:

The probationary period for the uniformed ranks of the Sheriff's Department shall be completed eighteen (18) calendar months after the date of hire ~~(Proposition H amended Charter Section 8.340, 11/3/87)~~. All periods of absence due to disability leave shall extend the probationary period by the total time of absence. In no other case will the probationary period be extended beyond eighteen (18) calendar months after the date of hire.

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

RULE 32

LAYOFF AND INVOLUNTARY LEAVE

Section 32.02. SENIORITY - DEFINED

A. Except as may otherwise be provided in this Rule, seniority shall be defined as follows:

PERMANENT 1. Seniority for permanent appointees shall be determined by the date of certification which resulted in a permanent appointment to a position in a class in a department. Seniority for appointees granted status or permanent tenure to a class shall be determined by the date of certification in the class from which status or permanent tenure was granted.

TEMPORARY FROM ELIGIBLE LIST 2. Seniority for temporary employees appointed from an eligible list shall be determined by the date of certification which resulted in a temporary appointment to a position in a class in a department.

~~LIMITED TENURE~~ ~~3. Seniority for limited tenure appointees shall be determined by the date an appointee starts to work in a current continuous limited tenure appointment in a department. Seniority in the event of ties shall be determined by the appointing officer whose decision shall be final.~~

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

B. Excluding involuntary leave as provided elsewhere in this Rule, seniority shall not be affected or reduced by current or previous periods of authorized leave of absence or authorized reduction in work schedules.

C. In calculating permanent seniority in a class, temporary seniority in the same class shall not be added to permanent seniority in a class.

D. In calculating temporary seniority in a class, permanent seniority in the same class shall be added to temporary seniority in a class.

E. Tie Scores

1. In the event of ties, seniority of civil service appointees shall be determined by rank on the eligible list. In determining rank, earlier eligible lists have priority over later eligible lists and promotive eligible lists have absolute priority over entrance eligible lists.

2. In the event of a tie in rank among appointees from eligible lists adopted on or after December 6, 1991, except for members of the uniformed ranks of the San Francisco Fire Department, the methods listed below shall be used to determine seniority in the following order of priority until the tie is broken.

a. First, the appointee with the longest continuous service in the class under permanent civil service appointment regardless of department shall be ranked above appointees with lesser service in the class;

b. Then, the appointee with the longest continuous citywide service under permanent civil service appointment regardless of class shall be ranked above appointees with lesser citywide service;

c. Finally, if the tie has not been broken by the preceding methods, it shall be broken by lot in the manner prescribed by the General Manager, Personnel and conducted under the supervision of the General Manager, Personnel, or

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

a designee. The decision of the General Manager, Personnel shall be final and shall not be reconsidered by the Commission.

d. In no case shall service before resignation and reappointment or discharge and reemployment be included in determining length of service for the purposes of this section.

3. Ties in seniority among members of the uniformed ranks of the San Francisco Fire Department appointed from lists adopted on or after December 6, 1991 shall be determined by a Rule adopted by the Fire Commission. This Rule and any amendments thereto shall be subject to the approval of the Civil Service Commission, and when so approved by the Commission, shall be deemed as included in this subsection.

~~F. For the purposes of calculating the seniority of non-civil service or limited tenure employees, all periods of time served in the most recent continuous temporary or limited tenure appointment shall be combined and the cumulative total derived thereby shall be used to determine seniority. Non-civil service employees who were previously limited tenure or temporary civil service in a current continuous appointment shall be treated as limited tenure for the purposes of layoff.~~

~~G.~~ F. Seniority acquired in a recognized craft apprenticeship program with the City and County shall be added to seniority in the journey-level class.

Section 32.03. ESTABLISHMENT AND VERTIFICATION OF SENIORITY ROSTERS

NO CHANGE

Section 32.04. ORDER OF LAYOFF

Except as may otherwise be provided in this Rule, layoff of employees shall be by inverse order of seniority in a class and department in the following order of absolute priority:

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

A. ~~Non-Civil Service~~ Provisional

~~B.~~ A. ~~Limited Tenure~~

~~C.~~ B. Temporary From Eligible List

~~D.~~ C. Probationary

~~E.~~ D. Permanent

Section 32.05. EXCEPTIONS TO ORDER OF LAYOFF

A. ~~Limited tenure~~ Provisional employees, who qualified for their positions as a result of meeting specific hiring criteria and who are appointed under specific funding guidelines which limit the duration of employment shall be laid off at the end of their designated tenure without effect on any other employees.

B. Persons appointed to positions requiring special qualifications or skills shall be laid off when the work requiring such special qualifications or skills is completed, providing such appointees shall have rights to continue employment within their class in positions where the special qualifications or skills are not required if their name has been reached for certification to a regular position.

C. In the event of a layoff, a person appointed to a position requiring special qualifications or skills as approved by the General Manager, Personnel, shall continue in the position unless a more senior employee or holdover in the class in which the layoff occurs possesses the same qualifications and skills. The General Manager, Personnel, may administer such tests as deemed necessary to determine possession of special qualifications and skills.

D. All exceptions to the order of layoff shall require the express approval of the Commission.

Proposed Amendments to the Civil Service Commission Rules
Deleted language indicated by ~~strike thru~~;
added language indicated by shaded area.

Section 32.06. LAYOFF - PROVISIONAL AND TEMPORARY APPOINTEES

A. ~~Non-Civil Service~~ Provisional Appointees

Except as provided below,

1. ~~Non-civil service~~ Provisional appointees shall be laid off at the discretion of the appointing officer.

~~B. Limited Tenure Appointees~~

~~The layoff of a limited tenure appointee shall be governed by the following provisions:~~

~~1. The limited tenure appointee with the least seniority in the class in the department shall be laid off first except if a more senior limited tenure appointee elects to be laid off. In the event of a conflict, the limited tenure appointee with the greater seniority shall have preference.~~

2. Entrance ~~limited tenure~~ provisional employees shall be laid off prior to the layoff of any ~~promotional limited tenure~~ promotive provisional appointees in the same class.

3. ~~Limited tenure~~ Provisional appointees who hold permanent status in another class and who are laid off shall revert to their permanent position~~s~~.

~~C.~~ B. Temporary Appointees From Eligible List

1. Order of layoff for temporary appointees shall be by class within a department, by inverse order of seniority except if a more senior temporary appointee elects to be laid off. In the event of a conflict, the temporary appointee with the greater seniority shall have preference.

2. The names of temporary appointees who are laid off shall be returned to the eligible lists from which appointed for further certification if such lists are still in existence.

MEMORANDUM

No. 93-17

DATE : March 19, 1993

TO : Appointing Officers
Personnel Officers
Employee Organizations

FROM : Albert C. Walker
General Manager, Personnel

SUBJECT: PROPOSED AMENDMENT TO CIVIL SERVICE COMMISSION RULE 22 - LEAVES OF ABSENCE, TO ALLOW CREDIT OF VOLUNTARY UNPAID TIME OFF TO OFFSET FURLOUGH.

At its meeting of March 15, 1993, the Civil Service Commission directed that a proposed amendment to Civil Service Commission Rule 22 - Leaves of Absence, be posted to allow a credit of Voluntary Unpaid Time Off to offset furlough. This proposal would add the following language to Civil Service Commission Rule 22 - Leaves of Absence, Section 22.15.C.5 - Unpaid Administrative Leave or Furlough:

> "Voluntary time off not to exceed a total of five (5) days per quarter or ten (10) days per year, approved pursuant to this section, shall be credited toward the maximum number of furlough days which may be imposed pursuant to this rule."

Requests to meet and confer by recognized employee organizations, and requests to consult by other parties, on this specific change must be made in writing, received by Friday, April 2, 1993 and must include the name and telephone number of a contact person.

Address all requests to Carol M. Sam, Assistant Secretary, Civil Service Commission, Room 153 City Hall, San Francisco, CA 94102-4693.

Any request received after the deadline will not be considered.

CIVIL SERVICE COMMISSION

Albert C. Walker
General Manager, Personnel

cc: Carl Bunch, ERD

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